

# AGENDA

## Environment Scrutiny Committee

Date: **Monday 14 September 2009**

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Time: **9.30 am**

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Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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# Agenda for the Meeting of the Environment Scrutiny Committee

## Membership

<b>Chairman</b>	<b>Councillor RI Matthews</b>
<b>Vice-Chairman</b>	<b>Councillor PJ Watts</b>
	<b>Councillor CM Bartrum</b>
	<b>Councillor WLS Bowen</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor JW Hope MBE</b>
	<b>Councillor MAF Hubbard</b>
	<b>Councillor TW Hunt</b>
	<b>Councillor PM Morgan</b>
	<b>Councillor A Seldon</b>
	<b>Councillor NL Vaughan</b>

## **GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

## AGENDA

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1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 8 June 2009.	1 - 10
5.	<b>SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY</b> To consider suggestions from members of the public on issues the Committee could scrutinise in the future.	
6.	<b>ENVIRONMENT &amp; CARBON MANAGEMENT PERFORMANCE</b> To review the Council's performance against the corporate Environmental Strategy targets and to update the committee on the Council's targets in relation to climate change and carbon management, with particular reference to the Council's own carbon emissions.	11 - 38
7.	<b>EXECUTIVE RESPONSE AND ACTION PLAN FOLLOWING THE SCRUTINY REVIEW OF THE PLANNING SERVICE</b> To consider Cabinet's response to the recommendations made to it in the Scrutiny Review of Planning Services and following the Planning Service Review undertaken by the Audit Commission.	39 - 68
8.	<b>CAPITAL BUDGET MONITORING</b> To advise Scrutiny Committee on progress of the 2009/10 Environment Capital Programme within the overall context of the Council's Capital Programme	69 - 72
9.	<b>REVENUE BUDGET MONITORING</b> To advise members of the financial position for the Environment revenue budgets for the period to 31 <sup>st</sup> July 2009.	73 - 78
10.	<b>COMMUNITY PROTECTION TEAM</b> To update the Committee on the current status of the Community Protection Team.	79 - 94
11.	<b>COMMITTEE WORK PROGRAMME</b> To consider the Committee work programme.	95 - 98



## **PUBLIC INFORMATION**

### **HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES**

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing, Childrens' Services, Community Services, Environment, and Health. A Strategic Monitoring Committee scrutinises corporate matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

Formal meetings of the Committees are held in public and information on your rights to attend meetings and access to information are set out overleaf

## **PUBLIC INFORMATION**

### **Public Involvement at Scrutiny Committee Meetings**

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There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

#### **1. Identifying Areas for Scrutiny**

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

Please note that the Committees can only scrutinise items which fall within their specific remit (see below). If a matter is raised which falls within the remit of another Scrutiny Committee then it will be noted and passed on to the relevant Chairman for their consideration.

#### **2. Questions from Members of the Public for Consideration at Scrutiny Committee Meetings and Participation at Meetings**

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Generally, members of the public will also be able to contribute to the discussion at the meeting. This will be at the Chairman's discretion.

(Please note that the Scrutiny Committees are not able to discuss questions relating to personal or confidential issues.)

## **Remits of Herefordshire Council's Scrutiny Committees**

### **Adult Social Care and Strategic Housing**

*Statutory functions for adult social services including:  
Learning Disabilities  
Strategic Housing  
Supporting People  
Public Health*

### **Children's Services**

*Provision of services relating to the well-being of children including education, health and social care.*

### **Community Services Scrutiny Committee**

*Libraries  
Cultural Services including heritage and tourism  
Leisure Services  
Parks and Countryside  
Community Safety  
Economic Development  
Youth Services*

### **Health**

*Planning, provision and operation of health services affecting the area  
Health Improvement  
Services provided by the NHS*

### **Environment**

*Environmental Issues  
Highways and Transportation*

### **Strategic Monitoring Committee**

*Corporate Strategy and Finance  
Resources  
Corporate and Customer Services  
**Human Resources***

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 8 June 2009 at 9.30 am**

**Present:** Councillor RI Matthews (Chairman)  
Councillor KG Grumbley (Vice Chairman)

Councillors: WLS Bowen, JW Hope MBE, TW Hunt, PM Morgan, AT Oliver, A Seldon, NL Vaughan and PJ Watts

**In attendance:** Councillors PJ Edwards, TM James, JG Jarvis (Cabinet Member Environment and Strategic Housing), and DB Wilcox (Highways and Transportation).

**Appointment of Chairman and Vice-Chairman for the meeting**

The Special Project Lawyer explained that as no committee chairs had been appointed at the Annual Meeting of Council on 22 May, it was necessary to elect a Chairman to preside for this meeting.

Councillor RI Matthews was duly elected Chairman for the meeting.

Councillor KG Grumbley was appointed as Vice-Chairman for the meeting.

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor CM Bartrum.

**2. NAMED SUBSTITUTES (IF ANY)**

Councillor AT Oliver substituted for Councillor CM Bartrum.

**3. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**4. MINUTES**

**RESOLVED:** That the minutes of the meeting held 20 April 2009 be confirmed as a correct record and signed by the Chairman.

**5. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

**Mr P McKay - List of Streets and Definitive Map**

The Chairman referred to e-mail correspondence dated 2nd June 2009, from Mr P McKay concerning the correctness of the List of Streets and Highways Definitive Map and whether the Cabinet Member (Highways and Transportation) would be requesting a report on the matter. The Chairman referred to a letter sent to Mr McKay by the Assistant Director Environment and Culture dated 17 April 2009, setting out the scrutiny position, following similar questions raised by Mr McKay at the April Committee. Mr McKay clarified his

intention to direct the current question to the Cabinet Member (Highways and Transportation) under agenda item 5 – Presentation by Cabinet Member (Highways and Transportation).

The Committee re-affirmed its intention to consider issues concerning the highways Definitive Map at a future meeting following the transfer of the service to Amey.

### **Mr R Coates – Climate Change**

The Chairman referred to e-mail correspondence dated 1 May 2009, from Mr R Coates, copies of which had been issued to Committee members prior to the meeting, providing background to the issue and posing the questions:

1 Can the Scrutiny Committee recognise the nature of this three pronged crisis (Climate Change, Peak Oil and the need for a new approach to our economy) and start a new kind of response.

2 Could the Scrutiny Committee initiate an Action Enquiry into what it is about the Council's Culture that needs to shift so that it can respond to these three core priorities rather than supporting Business as Usual and frustrating the many Member and Officers who can see the need for change. (This could be used as a way of building readiness and commitment progressively and rapidly creating the sort of Transitional approach that is now needed).

The Chairman acknowledged that locally and nationally there was still a lot to do in relation to tackling climate change and commented that locally progress was being made.

The Committee agreed that the following response be made to Mr Coates:

Environment Scrutiny is proud of the active role they have taken in keeping the Council's overall environmental performance under active review. They have taken reports twice a year on ISO 14001, the corporate council environmental management system, for several years. Within the last year the Committee has taken 3 reports on climate change and carbon emissions, particularly those from council operations, and are again looking at emissions, this time from Street lighting, at their June meeting.

Environment Scrutiny is able to undertake enquiries and has in the past tackled subjects such as 'How best to reduce household waste to meet the government's stringent targets.' However, it is the function of Scrutiny to be a critical friend to the Executive, not to set policy or targets. Currently the council's target is to meet a 1.25% annual carbon reduction and Scrutiny have kept performance against this regularly under review.

In order to set a more robust and wide ranging response to the challenges of climate change and peak oil it would be more appropriate to challenge Cabinet to raise the Council's current targets and widen its approach. The planned showings of The Age of Stupid, under the auspices of the Cabinet Member for the Environment, may provide a useful vehicle to enable such a discussion.

### **Mr Gething – Co-option from Local Access Committee**

The Chairman reported correspondence from Mr Gething, Chairman, Local Asses Forum, requesting that the Committee consider co-opting a member from the Forum onto the Committee.

The Committee decided that the policy of inviting members of interest groups to attend the Committee when specific issues arise be re-affirmed.

### **Mr RM Wilson – Standards of Highway Maintenance**

Mr RM Wilson suggested that scrutiny should look at the standards of highway maintenance carried out in the County and cited an example at the Radway Bridge where the road surface had been 'tar and chippinged' without first filling potholes in the carriageway which were now masked from view and in his view dangerous.

The Cabinet Member (Highways and Transportation) responded that while highways in the County needed major levels of investment unfortunately only limited resources were available. Maintenance was being concentrated on the principal and non-principal roads unfortunately to the detriment of the non-classified roads.

**RESOLVED: That the specific highway maintenance example raised be investigated by officers and the strategic issue of road maintenance standards be included in the Committee work programme for consideration in approximately 6 months time.**

## **6. PRESENTATION BY CABINET MEMBER (HIGHWAYS AND TRANSPORTATION)**

The Chairman invited Councillor DB Wilcox, Cabinet Member (Highways and Transportation) to comment on: achievements or areas for improvement in the past year in his programme area as it related to this Committee; what will need to be addressed in the coming year and indicate issues he may wish to involve scrutiny in in the future.

The Cabinet Member (Highways and Transportation) started by thanking Mr McKay for his question (see minute 74) concerning the Definitive Map. He responded that there were issues over the map, however, while progress was being made, work could only be undertaken within the available resources. He undertook to respond to Mr McKay following consultation with officers.

A copy of the Cabinet Members presentation has been placed with the agenda papers in the Committee Minute book.

Following the presentation the following principal points were noted:

- Responding to comments regarding the limited funding for speed indicator devices, which seemed to be showing good results in reducing speeds, the Cabinet Member reported that every accident involving personal injury was investigated and consideration was given to whether highway improvement was needed. He also reported that he would be meeting with the Regional Director of the Environment Agency to talk about safety issues specifically on the A49.
- While noting the overspend on winter maintenance the Committee acknowledged that the previous investment in salt barns and the foresight in purchasing adequate levels of salt had paid off.
- The Committee appreciated the pressures brought to bear on Network Rail concerning the replacement of Colwall Bridge. Responding to a question on the cost and time it would have taken to provide a bridge capable of two-way traffic the Cabinet Member (Highways and Transportation) reminded the Committee that Network Rail, the owners of the bridge, hadn't planned on replacing the bridge until 2011/2012. Provision of two way traffic would have necessitated a wider bridge and therefore additional land would have needed to be acquired and planning permission sought, which would have added considerably to the cost and time.
- Questioned on the cost of Rotherwas Relief road the Cabinet Member responded that subject to closing the accounts, the current figure stood at £12.83m. This was compared to an initial whole scheme estimate of £12.01m. Responding to a question concerning undertaking further archaeological investigations in the

Rotherwas area the Director of Environment and Culture confirmed that investigations had been undertaken at the Magazine site.

- Asked about the cost of cycle training the Cabinet Member (H&T) responded that the precise cost per individual was unknown, but officers undertook to provide further information.
- Noting the impending access improvement works at the Hereford railway station, and associated costs, the Committee questioned the 'Best Value' of undertaking the works now in view of the long term intentions of the ESG to provide a transport hub at that location. The Cabinet Member (H&T) reported that long standing negotiations with the station owners had now come to fruition. The ESG proposals for the area were likely to be some years away.
- Questioned further on rail travel a member suggested that the Wooferton and Pontrilas stations be reinstated. The Cabinet Member reported a recent meeting with the Chamber of Commerce when it was agreed that stations at Pontrilas and Morton-on-Lugg would be beneficial for freight, however, he severely doubted whether this would come about in the foreseeable future.
- Questioned how savings were to be made through the Services Delivery Partnership it was reported that through transferring some services to Amey savings would occur by reducing the amount of dual working. It was noted that no compulsory redundancies were envisaged and savings would also be made through not transferring current staff vacancies.
- From personal experience a member questioned the validity of the statistics quoted for the condition of unclassified roads. In response the Interim Transport Manager outlined the method of surveying road condition. Questioned whether improvements were planned to the Heywood to Callow road the Cabinet Member responded that no major improvements for this road were included in this years programme.
- A suggestion was made that when income from Section 106 funding resumed officers should liaise closely with the local ward member(s) to ascertain any potential schemes that could benefit the local area concerned.
- Questioned on progress with the Sustrans Connects2 cycleway route to Rotherwas, the Committee were informed that officers were working with Sustrans on more detailed aspects of the scheme. The scheme will be subject to a planning application. Initial funding for the scheme was supported through the capital programme with funding from Sustrans being released as the scheme progressed.
- The Cabinet Member (Environment & Transportation) reported that a meeting had been arranged with the Road Safety Partnership to discuss their intended work programme for the County.

The Chairman thanked Councillor DB Wilcox, Cabinet Member (Highways and Transportation) for his presentation and for answering questions raised.

**RESOLVED: That the presentation be noted and following consultation with officers the Cabinet Member (Highways and Transportation) respond to the question raised by Mr McKay.**

## **7. PRESENTATION BY CABINET MEMBER (ENVIRONMENT AND STRATEGIC HOUSING)**

The Chairman invited Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing) to comment on: achievements or areas for improvement in the past year in his programme area as it related to this Committee; what will need to be addressed in the coming year and indicate issues he may wish to involve scrutiny in in the future.

The Cabinet Member (Environment and Strategic Housing) informed the committee that his presentation would be given by the relevant Head of Service followed by comment from himself.

Mr P Nicholas, Assistant Director (Environment & Culture) presented a brief overview of the environmental health and trading standards division and indicated what the service did; its performance against targets; how it contributed to the CAA; notable achievements and indicated a number of current or future projects.

Cabinet Member (Environment and Strategic Housing) added that following the successful opening of the new Hereford crematorium, landscaping works would be undertaken to the surrounding area. Complaints had been received concerning the audio system when used by members of the public and these were being investigated. He acknowledged the work of his predecessor Cabinet Member for initiating the project.

He confirmed that following a review of the Pest Control Service the Service would remain in-house as he considered it important to secure a good service for the whole of the County. He would be considering further ways of ensuring good value for money.

Questioned on expenditure levels through the capital programme on land fill sites, the Assistant Director (Environment & Culture) reported that as land fill sites became older increased monitoring or maintenance could become necessary. The Director of Environment and Culture undertook to report on land fill sites to a future meeting.

Mr R Wood, Waste Services Manager, presented a brief overview of the Waste Management Service and highlighted that overall waste tonnages were down and recycling and composting percentages were up. He commented on the position of the waste disposal PFI contract and the benefits of the new Refuse Collection & Recycling Service. Discussions concerning the possible use of environmentally advanced refuse vehicles were ongoing.

The Cabinet Member added that as part of the negotiations with Focsa the possibility of them using some of the most environmentally advanced refuse collection vehicles in Europe was being discussed. A competition was being planned with schools for a poster to advertise recycling on the sides of vehicles. He anticipated that Members would be invited to visit the recycling site at Norton, Worcestershire, to see the sorting process.

Comment was made that achieving recycling targets seemed to be going in the right direction and clarification was given regarding the intended opening hours of the new household waste site in Kington.

Mr A Ashcroft, Head of Planning and Transportation, presented a brief overview of the Planning and Transportation Service. He highlighted that major progress was being made on the Local Development Framework (LDF) through the LDF Task Group; following the credit crunch there had been a fall in building activity with reduced fee income, however, indications were that things were starting to pick up, and improvements were being made in ICT services through the new web site access. Two major areas of work were underway, a response to the document "Looking at us from outside" would soon be considered by Cabinet and the ongoing need for the Service to engage with stakeholders was being addressed.

Comment was made that the Service needed to be clear about what and how the public required from the new web site. The Cabinet Member agreed that this was an important area as it would be, in many cases, the public's first point of contact. It would also be the Members interface with officers.

The Chairman thanked Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing), for answering the Committees questions.

**RESOLVED: That the presentation be noted.**

## **8. REDUCING ENERGY CONSUMPTION - STREET LIGHTING - UPDATE**

The Committee received an update on progress made by the Highway Service in reducing the energy consumed and carbon dioxide generated through street lighting.

The Highway Network Manager reported that since the last report in December 2008 a green energy source at a favourable rate had been negotiated. The agenda report set out a range of potential options for reducing usage and provided a summary of current progress on energy reduction options in Herefordshire.

The Director of Environment and Culture emphasised that technology was moving very quickly in this area and the Council needed to closely monitor pilot schemes run in other areas to ensure it gained not only the energy and carbon savings but good value for money.

The Highway Network Manager reported that Powys County Council and Buckinghamshire County Council seemed to be at the forefront in pilot schemes. The Service intending adopting the Buckinghamshire 'risk assessment' approach to any lighting reduction to ensure a correct balance between energy reduction and public safety.

**RESOLVED: That the report be noted and a further update be presented in early 2010.**

## **9. BUILDING EFFICIENCY**

The Committee considered options to increase energy efficiency standards in new building.

The Head of Planning and Transportation presented his agenda report which set out the current context, and a number of future proposals at national, regional and local levels to address energy efficiency standards. He also outlined to the Committee three principal options the Council could pursue namely:

Option 1 – No action – take no positive action on improving building efficiency in the County;

Option 2 – Planned approach through development of Local Planning Policies – develop initial ideas into policies that are locally distinctive, practical and which do not simply replicate the Building Regulations and develop a Design Code to cover the issue of building efficiency as part of design issues more generally. These would be picked up through the Core Strategy of the Local Development Framework.

Option 3 – Local approach outside policy context – seek to raise building efficiency standards beyond those currently set-out in Building Regulations and outside the context provided by current/existing planning policy.

He provided brief pro's and con's for each option for consideration by the Committee.

Responding to a comment that the current Unitary Development Plan (UDP) already contained provision to include renewable energy in developments, the Head of Planning and Transportation commented that inclusion in the Local Development Framework would give the Council greater power to enforce. He also commented that a number of



small building developers were already building to higher standards as they could realise a premium on sales.

Having considered the three options outlined in the report the Committee decided that option 2 should be recommended to the Cabinet Member (Environment and Strategic Housing). It was considered that this option would provide flexibility to keep up local pressure on developers.

The Cabinet Member Environment and Strategic Housing reported that due to delayed responses from the utility companies the formulation of the LDF had slipped by 6 months. This matter was being investigated by the Chief Executive.

**RESOLVED: That the report be noted and based on the information provided in the report and subsequent debate the Committee recommend that the Cabinet Member (Environment and Strategic Housing) work on the basis of incorporating option 2, as described in the agenda report, into the evolving Local Development Framework and that the Chairman of the Planning Committee be informed.**

#### **10. SOCIAL CARE TRANSPORT**

The Committee noted actions taken by Social Care Transport, following a review of Day Opportunities for Older People, to ensure compliance with the Council's Environmental Policy.

At its meeting on 2 March 2009 the Committee considered a report on Transportation Matters and requested an update report on the outcome of the review of Day Opportunities for Older People with specific reference to the environmental/carbon management issues. The Committee considered a report by the Associate Director of Integrated Commissioning which, in relation to transport, indicated that the review had identified that potential economies could be made within a number of day centres and travelling costs. Day service modernisation proposals could make a £50k saving and reduce unit cost of day care by 32% of which £16k would be from transport services. This equated to reducing Day Service mileage by 13,455 miles per annum with resultant savings in carbon emissions.

The Committee noted that Cabinet on 4 June 2009 had considered a report on the Re-Commissioning of Day Care Services for older people and requested that they be updated, via a briefing note, on the outcome of Cabinet's decision in relation to transport/carbon issues.

The Committee noted that where possible use was made of the Voluntary Transport sector.

**RESOLVED: That the report be noted and the Committee be updated on the progress of the transport element of the review by means of a briefing note.**

#### **11. EXECUTIVE'S RESPONSE TO THE SCRUTINY REVIEW OF THE TRAVELLERS' POLICY**

The Committee received a report on the Executive's response to the Scrutiny Review of the Herefordshire Travellers' Policy and considered the actions arising.

The Assistant Director (Environment & Culture) reported that the findings of the review had been considered by the Cabinet Member (Environment and Strategic Housing) on 25 November 2008 and that the recommendations in the report had been approved. The draft Traveller's Policy had been adopted and an action plan was to be drawn up by the Housing Needs of Gypsies and Travellers Working Group (HNGTWG) with input

from the Traveller Policy Review Group. The HNGTWG had been tasked with appraising the actions, progressing them and reporting back.

His agenda report set out the key actions, progress/action and responsibility arising from consideration of the review.

The Committee noted that while the Service had a good working relationship with the police they were disappointed that no progress had been made on action (v) in relation to establishing a protocol with West Mercia Constabulary clarifying responsibilities and duties primarily in the event of unauthorised encampments. The Cabinet Member (Environment and Strategic Housing) commented that both he and the Director of Environment and Culture would also be taking this matter up via the Community Safety Partnership.

The Cabinet Member (Environment and Strategic Housing) commented that because this authority had data on encampment usage the government wanted the authority to do more in the way of provision. He thought surrounding authorities should be encouraged to provide adequate provision.

**RESOLVED: That the position be noted and a further update on progress against the action plan be presented in approximately 6 months.**

## **12. CAPITAL BUDGET MONITORING**

The Committee were advised of the final outturn for the 2008/09 Environment Capital Programme and the proposed Environment Capital Programme for 2009/10.

The Director of Resources representative presented the report and highlighted that the final outturn position for the Environment Capital Programme was shown in Appendix 1 to the report. The total of the Capital Programme had reduced to £18,687,000 from the figure of £21,056,000 previously reported to Committee. This represented a net underspend of £2,369,000 and the main variances were set out in the agenda report. The proposed Capital Programme for 2009/10 was attached to the report at Appendix 2. This had increased to £17,574,000 from the original budget included in the Medium Term Financial Management Strategy of £15,350,000. Details of the £2,224,000 increase were set out in the report.

Following brief debate on a number of specific schemes the Committee noted that, in view of the additional works incurred due to the floods, a good outturn had been achieved against the proposals set out in the Local Transport Plan.

**RESOLVED: That the capital budget report be noted.**

## **13. REVENUE BUDGET MONITORING**

The Committee were advised of the final revenue outturn position for Environment for 2008/9 and received an outline of the agreed budget for 2009/10 with emerging pressures being highlighted.

The Director of Resources representative reported that in overall terms the final outturn variance for Environment had been an underspend of £23,000, which represented a variance of 0.06% against the final budget. A summary of the final revenue variances had been set out in the report and in appendix 1 to the report.

The Committee noted that the overspend of £84,000 by the Anti Social Behaviour Team had levelled off and resources had been moved to cover the overspend. The Committee

requested that the set up costs of the Team be circulated to Members for information. Traffic accidents were investigated by the police and reported to the Highways team who also investigated and undertook any remedial action considered necessary.

Questioned on the £135,000 overspend in 'markets and fairs' the Committee were informed that the intended move of the retail market to High Town in June 2009 would improve the trading position. Questioned on the cost of any legal challenge to the relocation of the retail market, the Director of Environment and Culture responded that normal procedures would be followed.

On questioning elements of the public transport budget the Committee requested clarification concerning an apparent wide difference between the 2008/9 and 2009/10 budgets for 'Public Transport' and 'Public Transport Rural'

**RESOLVED: that the revenue budget report be noted and**

- a) **details of the Anti Social Behaviour Team set up costs be circulated to members; and**
- b) **clarification be provided to Members concerning an apparent wide difference between the 2008/9 and 2009/10 budgets for 'Public Transport' and Public Transport Rural'.**

**14. ENVIRONMENT & CULTURE AND REGENERATION DIRECTORATES:  
PERFORMANCE FOR THE PERIOD 1 APRIL 2008 - 31 MARCH 2009**

The Committee receive an update on the achievement of targets for 2008-09 relevant to the Environment Scrutiny Committee and contained within the Environment & Culture and Regeneration Directorates Plans.

The Improvement Manager presented the agenda report and commented that: the 'Direction of Travel' had improved over previous years; while there were a number of indicators for which data was still awaited the overall performance position was positive. He particularly highlighted performance, further described in the report, concerning: road and footway condition; road casualty figures; waste targets; planning application performance and street cleanliness. A detailed analysis of the customer satisfaction surveys for last year was underway and a report would be presented to the next meeting.

Questioned on School Travel Plans (NIS 198 – public transport/walking) it was acknowledged that, while these indicated small changes they had been in the wrong direction. The Cabinet Member (Highways and Transportation) commented that School Travel Plans were an important element in transportation. While some improvement had been made in NIS198 (car use) further improvement may be achieved through the review of bus timetables. The Transportation Manager commented that there were a large number of School Travel Plans, however, the new school term would provide an opportunity to remind schools of their role in the plans.

**RESOLVED: That the position set out in the performance report be noted.**

**15. COMMITTEE WORK PROGRAMME**

The Committee considered its work programme.

The Chairman referred to the Annual Audit and Inspection Letter 2008 considered by Cabinet on 7 May 2009 in which the Audit Commission had identified at paragraph 79 that 'the authority should ask the Safer Roads Partnership to update it on progress made against the action plan'. In response the Cabinet Member (Highways and Transportation) reported that he would be meeting with the Partnership later in the

month and reminded the Committee that Councillors were usually invited to attend the Partnership's annual Conference in the autumn.

The Committee decided that it wished to invite the Safer Roads Partnership to attend a Committee later in the year so that the Partnership could provide the Committee with a background to its work and an update on progress against its action plan.

**RESOLVED: That**

- 1. following the 2009 Road Safety Partnership Annual Conference the Partnership be invited to report to the Committee on how the Partnership was progressing against their action plan; and**
- 2. subject to the inclusion of issues identified earlier in the meeting, and set out below, the work programme be noted and reported to Strategic Monitoring Committee.**
  - a. consider progress concerning the highways Definitive Map at a future meeting following the transfer of the Service to Amey (see Minute No 5);**
  - b. the strategic issue of road maintenance standards be included in the committee work programme for future consideration. (see Minute No. 5);**
  - c. A further update on Reducing Energy Consumption – Street lighting be presented in early 2010 (see Minute No. 8); and**
  - d. Executive's Response to the Scrutiny Review of the Traveller's Policy - a further update on progress against the action plan be presented in approximately 6 months. (see Minute No.11)**

The meeting ended at 12.57 pm

**CHAIRMAN**

<b>MEETING:</b>	<b>ENVIRONMENT SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>14<sup>TH</sup> SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>ENVIRONMENT &amp; CARBON MANAGEMENT PERFORMANCE</b>
<b>REPORT BY</b>	<b>SUSTAINABILITY OFFICER</b>

## Wards Affected

County-wide

## Purpose

To review the Council's performance against the corporate Environmental Strategy targets and to update the committee on the Council's targets in relation to climate change and carbon management, with particular reference to the Council's own carbon emissions.

## Recommendation

**THAT subject to any comments members may wish to make to the Cabinet Member, Environment and Strategic Housing, the report be noted.**

## Key Points Summary

- Progress with the delivery of the Council's Environment Strategy is identified within this report. This includes a number of highlights of actions to improve environmental performance over the past year.
- The Council has retained ISO14001 certification for Good Environmental Management. Internal audits and external surveillance visits during the year have been carried out to ensure good practice and identify areas for improvement.
- Reports regarding the new national indicators relating to climate change have now been submitted. The NI185 return for council carbon emissions showed 22,730 tonnes of CO<sub>2</sub> were released from council operations (buildings & transport) in 2008/09. This figure is larger than those previously reported to this committee as it now includes the Council's major contractors.
- The current 1.25% target requires an annual carbon reduction of 284 tonnes on the NI185 return. On average the council will save £32K for every 1% reduction it makes at current prices. The programme for 2009/10 is estimated to provide reductions of 260 tonnes – though some initiatives have not yet been quantified in tonnes of CO<sub>2</sub>. Contractors form a major element of emissions so work with them will be a priority to achieve future reductions.
- Use of gas is likely to have risen around 11% due to the colder winter. However the Council's direct spend on energy rose over £870K in 2008/09, mainly due to wholesale price rises.

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Further information on the subject of this report is available from  
Trish Marsh, Sustainability Manager, on (01432) 261930

Expenditure was up from £2.34 million in 2007/08 to £3.21 million in 2008/09, a rise of 31%. This direct spend on energy and in Council buildings and transport fuel includes schools' spend on energy, which is over half of the total.

- On the new NI188, planning to adapt to climate change, the council is performing at level 0. In order to progress to Level 1 the council must demonstrate that the potential vulnerabilities and opportunities relating to the changing climate that have been identified, eg in the Local Climate Impacts Profile, are communicated to department/service heads and other local partners and that the Council sets out the next steps in addressing them.
- NI186: Latest figures from DEFRA (2006) show that on average Herefordshire's population emit 9.5 tonnes of carbon dioxide per person, well above the West Midlands average (7.1 tonnes). New figures are due out in the autumn.
- The Council has performed well in relation to the Environment Strategy targets set in 2005. However, the Environment Strategy will need to be reviewed over the coming year to reflect changes in priorities and indicators.

## Reasons for Recommendations

To ensure the committee remain updated on environment & carbon related issues.

## Introduction and Background

1. The committee takes twice yearly reports on environmental & carbon performance as part of the top management scrutiny of environmental performance. This is part of the council's environmental management system, supporting corporate ISO 14001 certification. The council's certification provides a mechanism to monitor progress and environmental performance and to assess risks and options relating to natural resources and carbon. It fits well with the new Comprehensive Area assessment (CAA) requirement to demonstrate good practice in the use of natural resources.
2. The committee have paid particular attention to carbon and climate change in the last 18 months. The current council carbon reduction target, set in 2005, is 1.25% a year (20% by 2020). It is proposed to review this target in the coming year to ensure the Council effectively contributes to national level targets. The introduction of the new National Indicator 185 provides a nationally comparable baseline and a timely opportunity to review the current target.

## Key Considerations

### Environmental management & strategy

3. The Council continues to maintain its certification to **the international environmental management standard, ISO 14001**, for all unitary council functions. This was featured in the Council's return for new CAA Use of Natural Resources element of the Use of Resources assessment. The assessment results are awaited. The roll out of ISO 14001 certification to the PCT is included in the updated joint environmental policy (agreed January 2009). This policy revision also strengthened the commitment to include environmental factors in procurement and commissioning.
4. The report against the **Environment Strategy**, passed in June 2005, aims to give non-experts an overview of our performance against our key environmental commitments. The Environmental Strategy report for 2008/09 (Appendix 1) generally shows good performance. The strategy will need to be updated over the coming year to more accurately reflect the

council's current commitments and targets, to ensure all entries are quantifiable, to make reference to the new national indicators, and to include priority topics identified in the recent Staff Sustainability Opinion Survey. The report shows a sharp rise in the number of members of the public seeking advice on energy efficiency and fuel poverty. It also shows traffic volumes declining across the county, though this may have been a temporary response to high fuel prices. Mileage claims in contrast appear to have risen after several years of decline. The number of schools achieving Ecoschools awards has reached 80, showing the remarkable dedication of schools in their engagement with environmental issues.

5. In addition to the actions identified within the Environment Strategy the council has delivered wide-ranging environmental initiatives across a various disciplines and directorates. Some highlights of recent activities are listed below.
  - The **Library service is loaning out energy meters and plugs** free of charge to help householders track how much energy they are using.
  - The Local **Carbon Calculator on myherefordshire.com** has been updated by ICT. The calculator gives users hints on reducing their carbon footprint, shows how users are doing compared to others locally and nationally and signposts out to sources of help. 395 people have so far completed their footprints and to date have an average footprint of 6.7 tonnes.
  - Special Environment Scrutiny on March 2<sup>nd</sup> on carbon heard that the **Council achieved a 10% reduction from 2005-2009** on an inventory including landfill gas. This was greatly helped by installation of up to date landfill gas flare at Stretton Sugwas burning methane and contributing a reduction of 4162 tonnes per year.
  - **Forward Planning** are currently finalising their 'background paper on climate change', identified as a priority during the 'Developing Options' consultation last summer. This will be available this autumn.
  - **Prudential borrowing**: bids must now provide information on the carbon emissions /reductions resulting from their bids. The Director of Resources has signalled a willingness to receive Invest to Save bids and Halo has benefited from this after presenting a rigorously costed reduction plan.
  - Salix: **Property** administers a grant to set up a **revolving loan fund for energy efficiency** measures in buildings. Investments to date include several PowerPerfectors in High Schools.
  - **Highways** are trialling ways to **reduce emissions from street lighting** and presented a report on options and progress to the last meeting of Environment Scrutiny.
  - **Training**: In the last half of 2008/09 the Sustainability Unit ran a full programme of '**carbon curriculum**' **events** for schools, the public and our own staff using Energy Saving Trust funding.
  - **Training: the Age of Stupid film has cascaded out to officers** after the Leadership Academy on July 8<sup>th</sup> to fulfil a commitment by Cllr Jarvis at the Borderlines Film Festival seminar. So far 60 managers, 80 officers and 4 councillors have attended the workshops. Two more showings are programmed for early September. A report on actions pledged and proposed goes to Joint Management Team in November.
  - **Sustainable procurement**: a seminar on sustainable procurement will be added to the current programme of procurement training in November 2009.
  - **Amey Service Delivery Review**: The new agreement with Amey to delivery Highways, Parks and Public Rights of Way services on behalf of the Council includes performance targets in relation to biodiversity, carbon emissions, traffic congestion, recycling and use of local products and services.

## ISO 14001 certification

6. The council has successfully retained certification to the international environmental management standard for all unitary council functions. There have been 2 external surveillance ISO 14001 visits since the last report. These visits provide an opportunity to review performance and identify areas for improvement to be addressed by Management. At both visits 3 non-conformities were raised, signalling areas requiring improvement. This is an increase on the previous year when only one was raised at each visit. Three non-conformances relate to keeping the system up to date – gaps in directorate summaries, delays in the audit programme close out of findings and the need for regular review by top management. Two relate to management of the environmental performance of contractors and their subcontractors. One related to the Officer in charge system that ensures good environmental management of our buildings.
7. The increase in non-conformities indicates that more attention is needed to maintain systems underpinning good environmental performance effectively and ensure directorate information is up to date and well communicated. The non-conformances raised in February were closed out in July 2009. Findings from July are due to be closed out at the next surveillance visit in January 2010. More attention is also needed to ensure that our contracts and buildings are well managed with regard to environmental impacts. A seminar for key client officers has been arranged for November that should help increase knowledge of this increasingly important area. A Management Review by Joint Management Team is also scheduled for November, as recommended by the recent surveillance visit.
8. ISO 14001 requires the council to evaluate its compliance with legal and other requirements regularly and act to remedy areas of weakness. The last **legal compliance review** with regard to environmental legislation covers the period up to the end of August 2008. This annual review is carried out as part of the Council's corporate commitment to protecting our environment, which is in turn monitored through the council's certification to ISO 14001.
9. The legal compliance review identified no major areas of non-compliance, though as always, there are several areas where action is recommended to reduce risk of breaches. Of particular note during this review period is the need to demonstrate our response to the duty in the 2006 NERC Act that a public authority must in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
10. During the review period the legislation relating to carbon management and climate change strengthened considerably, spelling out a number of areas where the council has specific responsibilities. These include:-
  - A requirement to display and regularly update Energy Performance Certificates in all main buildings
  - The forthcoming Carbon Reduction Commitment, a mandatory carbon trading scheme which the council is expected to enter in April 2010
  - A statutory requirement for Planners: - "Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change"
11. ISO 14001 requires a rigorous process of **internal audit**, covering all areas over a three year cycle with more frequent attention to higher risk areas. During 2008/09 53 internal audits were carried out and 2 non-conformities and 58 observations were raised for attention. A successful training course to IEMA standards was held during the year to widen the pool of environmental auditors, attended by 10 officers. The ISO 14001 system has now been integrated with the ISO 19001 quality system in place over parts of Environment & Culture and Regeneration. This means fewer procedures are needed and joint audits can often be undertaken.



## **Council Vehicle Fleet & Fleet Management**

12. Transport data for council owned and staff vehicles used on council business was collected and submitted to the Energy Saving Trust (EST) for a review. This review will be completed shortly and will identify opportunities for improved environmental performance and cost savings.
13. Total emissions from contractor and council transport recorded for NI185 were 6,772 tonnes of CO<sub>2</sub> in 2008/09. The summary return for transport emissions in tabular and graphic form at Appendix 4 shows the total mileage and CO<sub>2</sub> of council transport operations, including major contractors. The contrast between the mileage and the CO<sub>2</sub> emissions show the very different efficiencies of the vehicles. This is unsurprising as they vary between small cars and refuse lorries on continual stop-start.
14. Only 12% of the total transport carbon emissions relate to in-house transport and business mileage in staff owned cars: 88% of emissions are from contractor-managed vehicles. Whilst contractors are entirely responsible for the management of their own fleet, working in partnership with them to increase transport efficiency is a carbon management priority. Both Focsa and Amey continually monitor fuel use, as transport efficiency is a key business parameter. Amey keep very detailed data week on week data and have agreed to targets to reduce their carbon emissions.

## **Local Area Agreement targets – biodiversity and county carbon reduction**

15. Now half way through its 3 year period, the LAA sets targets both for reducing carbon emissions in the county and the condition of Special Wildlife Sites (SWS), the national indicator on biodiversity. The Planning and Transportation service lead on this target and have surveyed 33 SWS and drawn up management plans during 2008/09.
16. Over 100 councils have adopted the NI 186 indicator in their Local Area Agreements. Herefordshire's target is an overall 13.1% reduction in county per capita carbon emissions over 3 years. Of this 8.1% is due to be delivered by national programmes and 4.9% is deemed to be under the influence of the Council. The main areas covered by the target are the emissions from business and public sector, domestic housing and road transport. Meeting this 4.9% target requires an average carbon reduction of 500kgs per head – a major challenge.
17. Herefordshire Partnership has recently allocated £72K to the Herefordshire Environment Partnership for work on these priorities from the Area Based Grant for spend in the current year. This includes £47K allocated to work on county carbon reductions. An action plan has been drawn up for a county Carbon Descent Plan and supporting work. Work on this strategy will be co-ordinated by the Herefordshire Environment Partnership working with the Sustainability Unit.

## **Council carbon emissions - NI185**

18. The **NI185 council carbon emissions** submitted for 2008/09 (Appendix 2) show 22,730 tonnes of CO<sub>2</sub> were released from council operations (buildings, street lighting & transport) in 2008/09. This is made up of 10,216 tonnes from electricity use, 5,742 tonnes from gas use and 6,772 tonnes from transport.
19. This is over 5,000 tonnes a year higher than the previous total, as this did not previously include contractor operations and several data sets that have now become available. On the current figure the Council, through its management of its own estate, its schools and its contractors, will need to make reductions of at least 284 tonnes of carbon dioxide each year to meet its 1.25% target. The Action Plan will need continued development to achieve this and

ensure the most effective interventions.

20. Works to reduce carbon emissions during 2008/09 are outlined at Appendix 5. Schemes include Planning and Modern records moving files by Pedicabs, a major server virtualisation project reducing the need for cooling and increasing use of LED bulbs in street signs. Work to raise public awareness was given a boost by the Museum on the Move climate display tour of the county, which recorded over 7,500 visits.
21. Asset Management & Property initiatives to improve Carbon Performance in 2008/09 included:-
  - Completion of new builds at Sutton St Nicholas School, Eco classroom at Lady Hawkins High School, Kington, replacement Crematorium.
  - Installation of power perfectors in two High Schools.
  - Replacement of outdated Transmittion systems in 66 sites with new TREND Building Management Systems.
  - Installation of wind turbine generator at Queen Elizabeth II High School in Bromyard and minor schemes at Marden and Burghill schools.
  - Various re-roofing insulation and curtain walling schemes in county schools.
  - Re-lighting schemes at John Kyrle High School, Colwall primary school plus Wigmore High and Holmer Primary Assembly Halls.
  - Improved lighting in Maylords car park & roof lighting scheme at Burley Gate school
  - Ongoing energy efficiency schemes in partnership with HALO funded via SALIX scheme.
  - Installation of three new biodiscs to replace septic tanks.
22. Considerable work was required during the year to produce display energy certificates (DECs) for 25 public buildings of 1000m<sup>2</sup>, over 50 schools and some investment properties to comply with the Buildings Performance Directive 2002. Energy Performance Certificates (EPCs) are now also required for some tenanted properties ahead of lettings. These annual requirements will be extended to properties of 750m<sup>2</sup> by 2011.
23. The street lighting energy was re-procured during the year and continues to be sourced from green electricity. However this does not affect the NI185 emission figures as only dedicated on-site renewables, such as a wind turbine in the grounds of a building, can be counted as reductions.
24. Energy spend for the authority rose by over £800,000 in 2008/09 compared with 2007/08 to over £3.2 million – a rise of 31%. Over half of this spend was in schools and other CYPD premises. Annual heating requirements for the year (based on degree days) were 11% above the previous year and the rest is accounted for by increased energy prices. Both changes in the weather and price fluctuations expose the authority to some financial uncertainty. Our energy brokers, WMS, provide a cap so that customers know the maximum price per unit that they will have to pay – WMS are often able to better this price during the year.
25. The next step is to use the improved NI185 inventory to develop and deliver an evidence based long-term carbon management and reduction programme that meets our emissions targets for our own activities, reduces our exposure to price increases and leads local efforts to combat dangerous climate change for the next decade.
26. Managers across the organisation will need to build carbon reductions into Directorate and Service Plans for 2010/11, into our procurement process and into planning for the next decade, such as the forthcoming Strategic Asset Management Plan. Training may be needed, as accounting for and reducing carbon emissions is a new area of work for many officers.
27. Investment will be needed in order to achieve future savings: the current low interest rates

should make projects with paybacks up to ten years more attractive. Energy Saving Trust guidance is that councils should dedicate a member of staff to energy management for each £1million energy spend, and that 10% of council's energy expenditure should be spent on energy efficiency. This is not currently the case, and may lead to difficulty in reaching current and future reduction targets. Further resources invested now to reduce future utility use should see multiple payoffs economically, socially and financially.

28. The carbon management and reduction programme will need to examine capital spend and contracts to ensure that high standards of energy efficiency are built into new projects and contracts to reduce future running costs. There may be opportunities for Invest to Save projects to help deliver improvements. For example, last year Halo successfully bid for energy efficiency improvements, backed by a rigorously costed plan.
29. Entry into the Carbon Reduction Commitment next April provides an additional financial spur to increase energy efficiency of our buildings, including schools. This is a mandatory scheme to promote energy efficiency and help reduce carbon emissions. It will introduce an emissions trading scheme that will provide an incentive to remove CO2 emissions by placing a price on them. There will be a financial incentive scheme to reward high performers and performance league tables will be published and available for scrutiny. A report to cabinet on 25<sup>th</sup> June anticipated council expenditure of up to £200K per year for credits, based on current levels of consumption.

#### **NI188 - planning to adapt to climate change**

30. Progress has been made on adaptation to climate change, NI188. A Local Climate Impacts Profile (LCLIP) investigating the council's vulnerability to future extreme weather by tracking response to past events has been completed and is published on the Council's website.
31. This is a significant issue for Herefordshire and an action plan is will be developed to respond to the assessment and also drive improvements in relation to NI188. The Council are currently on Level 0 of 4 for NI188. In order to achieve Level One the Council will need to communicate potential vulnerabilities and opportunities identified in the LCLIP to department/service heads and other local partners and set out the next steps in addressing them.
32. New climate predictions (UKCP09) based on Met Office data were released this summer. These document the consequences of climate change expected due to past emissions. Some of the predicted regional stresses are outlined below.
  - Built Infrastructure – heat stress may be an issue in major urban centres, due to the urban heat island effect
  - Natural Environment & Biodiversity - habitats and species could be adversely affected. This could be exacerbated by the fragmented nature of habitats in the region
  - Water availability - Currently the uses for abstraction and the environment have just enough water in the summer.
  - Flooding - Urban drainage systems might not be able to cope with the projected increase in winter precipitation intensity and become overloaded.
  - Agriculture - general impact on crops across the region.
  - Infrastructure – Roads and railways have been affected in previous floods

### **Community Impact**

- 33 Climate change is predicted to have a major impact nationally on all communities. Latest national UKCP09 scenarios released this summer predict significant increases in winter rainfall, reductions in summer rainfall and increases in summer average temperature. Intense

localised rainfall episodes are likely to increase. These will affect service delivery, local businesses and infrastructure condition. Further information can be obtained from the UKCIP predictions (see link in background papers).

- 34 Protecting the environment is a key value for the council and is a Community Strategy theme. This is because the environment is such a significant asset for the county. Good environmental performance is thus critical to the ongoing prosperity and resilience of Herefordshire communities.
- 35 There are many community groups actively engaged in a local response to climate change. Herefordshire Environmental Partnership maintains an active interest in responding to climate change and will take an active role in delivering the NI186 carbon descent plan.

## Financial Implications

- 36 There is a strong link between carbon emissions, which mainly relate to use of fuel, electricity and gas, and cost. The Council spends significant amounts of money on energy and fuel – and this amount rose sharply in 2008/09. In 2008/09 overall spend was up 31% at over £3.2 million, for direct expenditure in council buildings (including schools) and vehicles. The major contributors are heating oil £142K (up 29%), vehicle fuel, £137K (up 20%), gas £729K (up 28%) and electricity £2.2 million (up 33%). £1.7million of this was spent in schools and other CYPD premises. Schools pay their own energy bills and the council has no direct control over schools' energy usage. Nevertheless the council now has a strong motivation to work with schools to reduce their energy use and expenditure as school usage is counted in both the NI185 return and the Carbon Reduction Commitment credit requirements.
- 37 The council also spends significant amounts indirectly on utilities and fuel via contractors working directly on our behalf. Major contractors are now included in the NI185 inventory but their energy spend has not been quantified in financial terms at present.
- 38 The Carbon Reduction Commitment comes in next year and is expected to cost the Council £200K a year in credits. If the council performs less strongly than other organisations in reducing carbon emissions from its properties, including schools, it will have to buy credits. If it performs above the norm it will be able to sell credits.
- 39 The costs of increased flooding to the council and county, related to the changing climate, are expected to be considerable. The Environment Agency are pitching to double national spending on flood defences by 2035 to £1 billion – estimating that this could save £1.5 billion a year in disruption, infrastructure damage and loss of business. This extra spend will not however address surface water flooding, caused by intense local rainfall: two thirds of the major floods of 2007 were caused by surface water.<sup>1</sup>

## Legal Implications

- 40 None identified.

## Risk Management

- 41 Climate change is predicted with a very high level of probability and a very high impact. It has huge implications for delivery of council services and is thus a high risk. Much of the climate change that will occur over the next thirty to forty years is inevitable as it has already been

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<sup>1</sup> ENDS report, June 2009

determined by historic emissions and inertia within the climate system. However if we act now we will be able to reduce current and future emissions and thus reduce the risk associated with climate change towards a level more in line with low emissions scenarios. There is increasing international and national pressure to act swiftly to reduce carbon emissions because of the scientific consensus that deep cuts in carbon must be made urgently to avoid irreversible changes to our climate and environment. Delay will entail future costs far greater than the costs of acting now to reduce emissions and reduce vulnerability to predicted climate changes.

- 42 The Council leads on the Herefordshire Partnership Local Area Agreement target to cut county carbon emissions by 4.9% over 3 years to March 2011. This means that there is likely to be continuing public interest in both the council's work to reduce county carbon emissions, the council's management of its own emissions and its performance against its 2005 Nottingham Declaration target of a 20% reduction by 2020 (an average of 1.25% per year). Failing to act effectively and show leadership would be a risk to the council's reputation.

## Consultees

None

## Appendices

Appendix 1: Environment Strategy performance 2008/09

Appendix 2: Summary NI185 return – council carbon emissions

Appendix 3: Principal stationary sources of CO<sub>2</sub> (NI185 return)

Appendix 4: Summary transport emissions from NI185

Appendix 5: Performance against Action Plan to reduce carbon emissions in 2008/09

## Background Papers

- **UKCP09 – latest UK climate predictions** for the 2020s, 2050s and 2080s. Summary West Midlands information at <http://ukcp09.defra.gov.uk/content/view/41/6/>
- **NI186 figures for Herefordshire carbon emissions** from homes, transport & businesses ([http://www.herefordshire.gov.uk/docs/Herefordshire\\_Emissions\\_Graph\\_2005.pdf](http://www.herefordshire.gov.uk/docs/Herefordshire_Emissions_Graph_2005.pdf)) The 2006 figures are expected to be released in September 2009
- **Carbon Reduction commitment:**
  - Extract from the Review of Asset Managed & Property services report to Cabinet on 25<sup>th</sup> June 2009:  
[http://councillors.herefordshire.gov.uk/Published/C00000251/M00002844/AI00015944/\\$RevisionofAMPS170609.docA.ps.pdf](http://councillors.herefordshire.gov.uk/Published/C00000251/M00002844/AI00015944/$RevisionofAMPS170609.docA.ps.pdf)
  - National: <http://www.defra.gov.uk/environment/climatechange/uk/business/crc/pdf/crc-userguide-090312.pdf>
- **Herefordshire's Local Climate Impact Profile (LCLIP)**  
[http://www.herefordshire.gov.uk/docs/Local\\_Climate\\_Impact\\_Profile\\_Herefordshire\\_-\\_NI188.pdf](http://www.herefordshire.gov.uk/docs/Local_Climate_Impact_Profile_Herefordshire_-_NI188.pdf)





## Herefordshire Council Corporate Environment Strategy

### PERFORMANCE REPORT 2008/09

#### Sections

- [Waste](#)
- [Transport](#)
- [Energy and Climate](#)
- [Natural & Built Environment](#)
- [Planning & Development](#)
- [Environmental Risks & Pollution](#)
- [Community Involvement & Partnership Working](#)

This report summarises performance information available for 2008/09 at September 2nd 2009.

#### Environment Strategy Review

The strategy is due for revision in 2009/10 as it has proved difficult to provide quantitative data on some of the objectives set in 2005 and many new commitments have been entered into since the strategy was written. Additionally in 2008/09 the new reduced National Indicator set came in, changing data sets collected (these are marked “not measured” in the table). The new CAA framework now includes a ‘Use of Natural Resources’ section.



# Waste

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
Decrease the amount of waste generated per person	Decrease the amount of household waste collected per head	BV 84a & b JMWS Target 2	505.76kg	483.33kg	Changed indicator: NI 191 Residual waste per household 690.01kg Awaiting data
	Decrease the amount of Council generated trade waste per employee (including paper recycled)	GEM	(255,590/14 00) = 182.6kg	Awaiting data	Awaiting data
Decrease the amount of waste going to landfill	Decrease both the percentage and tonnage of household waste arisings sent to landfill	BV 82d (i) & (ii)	72.86%	69.57%	NI 193 – Municipal waste landfilled 64.61%
	Decrease the amount of Council trade waste sent to landfill	GEM	204.7tonnes	163.2 tonnes	150.7 tonnes
Increase the amount of waste recycled or composted	Increase both the percentage and tonnage of household waste arisings that are recycled	BV 82a (i) & (ii) JMWS Target 4	18.7%	22.80%	NI 192 - % household waste recycled or composted 33.24%
	Increase both the percentage and tonnage of household waste arisings that are composted	BV 82b (i) & (ii) JMWS Target 5 JMWS Target 1 JMWS Target 6	7.36%	7.63%	
	Increase the amount of Council generated trade waste recycled through the Office Recycling scheme	GEM	56.49 tonnes	Awaiting data	Awaiting data
Increase the number of people with access to recycling	Increase the percentage of household residents served by the collection of recyclables	BV 91 JMWS Target 3	68.0%	73.0%	74.8%
	Increase the number of Council employees with access to recycling	GEM	All main offices now served	All main offices now served	All main offices now served



# Transport

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
Promote walking and cycling	<ul style="list-style-type: none"> <li>Increase the percentage of children walking or cycling to school at schools participating in SRTS</li> <li>Increase the number of schools with Adopted School Travel Plans</li> <li>Encourage businesses within the county to address issues of transportation (to be changed to 'the percentage of Hereford workforce covered by travel plans')</li> <li>Improve the public right of way network and promote its use by the public (percentage of total lengths of right of way in the LA area that are easy to use by the general public)</li> <li>Increase the number of cycling trips by the public (index at 2001/02 =100)</li> <li>Increase the number of Council staff cycling a) to work and b) to meetings</li> </ul>	LTP T8 LTP T6 LTP T9 BV 178a LTP T5 GEM	No comparable data for 06/07 85 26.3% 49% 118.99 a) +29% over 3 years b) 1086 miles claimed	37% walking 2% cycling 95 26.9% 39% 110.86 a) Data due December b) 1,215	37% walking 2% cycling 102 31.0% Data not recorded 114.96 Staff transport survey due shortly b) 2,328 miles claimed
Increase the use of public transport	<ul style="list-style-type: none"> <li>Increase the number of passenger journeys per year on public transport (Bus &amp; Rail)</li> <li>Increase the accessibility of public transport services - journeys on low floor buses (index 2001/02 = 100)</li> <li>Increase the number of staff members travelling on public transport a) to work and b) to meetings</li> </ul>	BVPI 102 LTP T1+2 LTP T1 (LTP2 in place 06/07) GEM	B: 3,433,043 R: Not available Indicator has been changed in LTP2 a) - 4% over 3 years b) 399	B: 3,355,000 R: Not available a) Data due December b) Awaiting data	B: 3,667,000 (NI177) R: 141 (indexed from 2003/2004) Staff transport survey due shortly
Reduce the dependence upon the car	<ul style="list-style-type: none"> <li>Restrict the growth of the annual average daily traffic (AADT) volumes i) in Herefordshire (index 2001/02 = 100) ii) Rural and Hereford</li> <li>Reduce car mileage claims from Council staff</li> </ul>	LTP11 & 3 GEM	i) 100.63 ii) 101.71 2,282,567	i) 99.39 ii) 101.51	i) 98.13 ii) 98.09 2,800,130
Improve the County's roads and footpaths	<ul style="list-style-type: none"> <li>Improve the condition of the County's roads a) Principal roads, b) Non-principal roads, c) unclassified roads (percentage of road type needing further investigation)</li> <li>Improve the condition of surface footways (percentage of footways where structural maintenance should be considered)</li> <li>Increase the number of pedestrian crossings with facilities for disabled people</li> <li>Time taken to rectify street lighting faults (days) under control of a) LA and b) Network Operator</li> </ul>	BV 223, 224a, 224b BV187 BV165 BV 215a & b	a) 14% b) 21% c) 24.28% 31.0% 92% a) 8.85 b) 56.15	a) 6% b) 11% c) 32.0% 11.2% 92% a) 6.61 b) 9.5	a) 4% b) 11% c) 20% 20.6% 87% a) 2.9 b) 12.85

# Energy & Climate Change

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
Reduce emissions of carbon dioxide and other greenhouse gases	<ul style="list-style-type: none"> <li>Decrease carbon dioxide emissions in tonnes of carbon dioxide equivalent per head of population/year</li> </ul>	Corp PI	10.43 tonnes (Defra 2004 data /pop)	9.4t CO2 (Defra 2005 data /pop)	9.5 Defra 2006
	Reduce the fossil fuel and electricity consumption of operational council properties	BV 180a Baseline 2004/05 11,899t CO2	12,429t CO2	11,916t CO2	11,930t CO2
	<ul style="list-style-type: none"> <li>Reduce carbon dioxide equivalent emissions from activities directly controlled by the Council or upon which it has an influence by 1.25%</li> </ul>	CMAP/ PPI 4d Baseline 2004/05 12,933t CO2	13,259tCO2	12,767t CO2	27,730 t CO2 (NI185 - includes contractors)
Support and promote energy efficiency measures	<ul style="list-style-type: none"> <li>Improve energy efficiency for all housing sectors</li> </ul>	HECA	1.83%	1.72%	Data due October 09
	<ul style="list-style-type: none"> <li>Reduce the energy costs of operational Council property per square metre Gross Internal Area</li> </ul>	PPI 4b (AMP)	£14.05	Not collected	Not collected
	<ul style="list-style-type: none"> <li>Electricity costs <i>Added in for 06/07 report</i></li> </ul>	Based on account codes	£1,618,825	£1,656511	£2,199,461
Support and promote renewable energy	<ul style="list-style-type: none"> <li>Support the use of renewable energy sources where they are economically and environmentally sustainable through the Unitary Development Plan</li> </ul>	Permissions granted	5	17	Data due in Dec 09
	<ul style="list-style-type: none"> <li>Continue to secure 100% renewable electricity for operational Council properties.</li> </ul>	GEM	Contract renewed.	Now good quality CHP	Good quality CHP + renewables for street lighting

# Water & Flooding

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
Mitigate flood risk through adoption of the Unitary Development Plan	<ul style="list-style-type: none"> <li>Reduce the cost of water in Council operational buildings per square metre Gross Internal Area (GIA)</li> </ul>	PPI 4c (AMP)	£1.70	No longer collected	No longer collected
	<ul style="list-style-type: none"> <li>Secure the County's environmental resources by taking a precautionary approach to flood risk, having regard to the flood plains of the Rivers Wye and Lugg and their tributaries</li> </ul>	Number of applications approved against EA advice in relation to flooding	1	1	No longer collected
	<ul style="list-style-type: none"> <li>(Ensure that where development is proposed in locations at risk of flooding, it should be demonstrated that there are no reasonable options available in a lower risk category, consistent with other objectives.)</li> </ul>	None	Recommend replacement of this objective when Environmental Strategy is reviewed in 2008.		
Respond effectively to major flooding incidents	<ul style="list-style-type: none"> <li>Effectively manage the emergency response to flooding events through a) response exercises, b) incidents logged and c) Flood Forums held</li> </ul>	N/A	a) 1 b) 40 c) 2	a) 0 b) 4 c) 2	a) 0 b) 2 c) 2
Improve the quality of the County's Rivers	<ul style="list-style-type: none"> <li>Contribute to improvement in the County's rivers in 'very good' or 'good' categories for both a) Biological and b) Chemical General Quality Assessments</li> </ul>	SOH F6	a) 84% 2005 b) 84% 2005	Environment Agency website gives location specific detail but no overall figures	

# Natural & Built Environment

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
Protect and enhance the County's biodiversity assets	<ul style="list-style-type: none"> <li>Prepare and maintain a Biodiversity Action Plan (BAP) with an effective monitoring and reporting system</li> </ul>	N/A	Now on BARS. Began revision of BAP.	Revision due for completion end August	Revision complete, now on BARS
	<ul style="list-style-type: none"> <li>Develop and issue supplementary planning guidance (SPG) on landscape character, biodiversity conservation and trees</li> </ul>	N/A	UDP adopted in 2007 confirming status of SPG.	Objective to be reviewed for 2008/09	Currently being updated
	<ul style="list-style-type: none"> <li>Increase the proportion of Council owned land without a nature conservation designation but managed for Biodiversity purposes</li> </ul>	Corp PI (& GEM)	25.34%	31.1%	Replaced by Local Area Agreement target on Special Wildlife Sites (SWSs)
Conserve the built and historic heritage of the County	<ul style="list-style-type: none"> <li>Improve the condition of Sites of Special Scientific Interest (SSSI) owned by the Council</li> </ul>	PSA6	* 5 sites found on NE website 3 were classed favourable / recovering	Awaiting data	Awaiting data
	<ul style="list-style-type: none"> <li>Increase the percentage of Conservation Areas with Character Appraisals</li> </ul>	BV 219	12.5%	23%	23%
	<ul style="list-style-type: none"> <li>Develop and issue planning guidance on the historic environment</li> </ul>	N/A	These will be subject to review as part of Environment Strategy review in 2008		
	<ul style="list-style-type: none"> <li>Review conservation areas and expand the Buildings at Risk Survey</li> </ul>	N/A			
	<ul style="list-style-type: none"> <li>Review Council owned historic environment assets &amp; issue guidance for their management</li> </ul>	N/A			

\* Definitive figures for all Council owned sites not available. Figures quoted are taken from a sample that could be identified on the NE website.

# Planning & Development

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
<p><b>Implement a Unitary Development Plan which contains clear principles to protect the environment</b></p> <p><b>Promote those forms of development that have a positive impact upon the environment</b></p>	<ul style="list-style-type: none"> <li>Promote forms of environmental management which minimise the depletion of scarce non-renewable resources, reduce energy consumption and waste, and encourage use of recycled and renewable resources (P5)</li> <li>The UDP will favour forms of land use and development which work within the environmental capacity (P6)</li> <li>Protect, restore and enhance environmental assets giving special attention to irreplaceable resources and the distinctive character of local environments (P7)</li> <li>Promote sustainable land use and management, especially through the restoration, re-use and enhancement of degraded environmental assets (P8)</li> <li>Promote better accessibility to work, services and facilities in ways which reduce the overall need to travel and promote the use of non-car based transport (P9)</li> <li>Promote high design standards in the location, setting, layout and construction of both new development and improvements to existing developments. High priority will be given to energy efficiency in terms of design, use location and transport (P10)</li> <li>Increase the percentage of development taking place on Brownfield land</li> </ul>	<p>These are principles and as such as not intended to be directly measurable. A review of more appropriate objectives which would offer some way of measuring progress against the aim are being investigated.</p>	<p>The change to the Local Development Framework means these objectives require review.</p>	<p>The Annual Monitoring Report submitted by Planning each December on the council website. It includes chapters on transport, minerals, waste, natural heritage and renewable energy.</p>	<p>74.6%</p>
			76.7%	74.6%	73%

# Environmental Risks & Pollution

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
Reduce levels of pollution Investigate and take action to deal with contaminated land	<ul style="list-style-type: none"> <li>Reduce the annual mean levels of nitrogen dioxide at sites in Hereford and the Market Towns (av. Change)</li> </ul>	SOH	+ 22.7ug/m <sup>3</sup> (2006 total 266.4ug/m <sup>3</sup> )	- 48.8ug/m <sup>3</sup> (2007 total 217.6ug/m <sup>3</sup> )	Not measured
	<ul style="list-style-type: none"> <li>Increase the percentage of pollution control improvements on existing permitted industrial installations completed on time</li> </ul>	BVPI 217	96.8%	97.9%	Not measured
	<ul style="list-style-type: none"> <li>Increase the percentage of new reports of abandoned vehicles that are a) investigated within 24hrs of notification and b) removed within 24hrs of being confirmed as abandoned.</li> </ul>	BVPI 218a & b	a) 98% b) 99%	a) 94.74% b) 97.83%	Not measured
Investigate and take action to deal with contaminated land	<ul style="list-style-type: none"> <li>Identify (a) sites of potential concern in terms of contamination and (b) increase the percentage of those sites for which sufficient detail is available to decide whether remediation is necessary</li> </ul>	BVPI 216a & b	a) 2896 b) 0.2%	a) 2892 b) 0.04%	Not measured
	<ul style="list-style-type: none"> <li>Identify and address contamination of land controlled by the Council.</li> </ul>	Registered sites	1	1	Awaiting data
Improve Environmental Health and Trading Standards services	<ul style="list-style-type: none"> <li>Improve the score against a checklist of enforcement best practice for environmental health</li> </ul>	BVPI 166a	98.75%	100%	Not measured

# Community Involvement & Partnership Working

AIM	OBJECTIVE	INDICATOR	2006/07	2007/08	2008/09
<b>Promote environmental management systems</b>	<ul style="list-style-type: none"> <li>Increase the number of local businesses with an accredited environmental management system (either EMAS or ISO 14001) <i>review of this objective to include:</i> <ul style="list-style-type: none"> <li>a) number of members of HBEA</li> <li>b) number of companies who have attended at least one seminar</li> </ul> </li> </ul>	N/A	a) 18 b) 72	a) 24 b) 50	a) 19 b) Awaiting data
	<ul style="list-style-type: none"> <li>Extend the Council's environmental management system throughout all services and directorates.</li> </ul>	GEM	All unitary council functions covered	All unitary council functions covered	As before + policy commitment to extend to PCT
<b>Promote awareness of environmental issues</b>	<ul style="list-style-type: none"> <li>Increase the (a) number of schools registered on the Eco-Schools programme and (b) the number that have achieved one of the award levels</li> </ul>	N/A	(a) 81 (b) 49	a) 86 b) 62	a) 105 b) 80
	<ul style="list-style-type: none"> <li>Encourage householders to improve the energy efficiency of their homes (number of householders advised by the service)</li> </ul>	Provided by EEAC	1478	6500	7836
<b>Improve the cleanliness of the local environment</b>	<ul style="list-style-type: none"> <li>Increase staff awareness of GEM and environmental issues                             <ul style="list-style-type: none"> <li>a) staff opinion survey results (% aware)</li> <li>b) numbers trained in GEM and through induction process</li> </ul> </li> </ul>	Staff Opinion Survey In house training	a) not in survey b) 17 GEM / 234 induction	a) 81% b) awaiting data	a) not in survey b) awaiting data
	<ul style="list-style-type: none"> <li>Support and contribute to the work of the Herefordshire Partnership Ambition Groups covering environment and transport (number of meetings attended)</li> </ul>	N/A	Ambition groups stopped June 2006	Not applicable	Herefordshire Environment Partnership reformed.
<b>Improve the cleanliness of the local environment</b>	<ul style="list-style-type: none"> <li>Decrease the proportion of relevant land and highways with unacceptable levels of: a) Litter &amp; detritus, b) Graffiti &amp; c) Fly posting.</li> </ul>	BV 199a/b/c	a) 17% b) 2% c) 1%	a) 14% b) 2% c) 0	For new indicator and data see performance report
	<ul style="list-style-type: none"> <li>Decrease the number of incidents and increase the number of enforcement actions taken to deal with fly-tipping.</li> </ul>	BV 199d	Grade 1	Grade 3	

## Glossary of abbreviations

GEM	Good Environmental Management (the name for the Council's Environmental Management System)
BV / BVPI	Best Value Performance Indicators (set by the Government)
PPI	Performance Indicators
JMWS	Joint Municipal Waste Strategy (2004 - 2034)
LTP	Local Transport Plan
KSI	Killed & Seriously Injured
PSA	Public Service Agreement
CMAPI	Carbon Management Action Plan
EA	Environment Agency
HECA	Home Energy Conservation Advice
BARS	Biological Action Recording System
BAP	Biodiversity Action Plan
EEAC	Energy Efficiency and Advice Centre
NE	Natural England (successor to English Nature and parts of DEFRA)
UDP	Unitary Development Plan (now replaced by Local Development Framework)
SOH	State of Herefordshire Report
HBEA	Herefordshire Business Environment Association
AMP	Asset Management Plan
AMR	Annual Monitoring Report
NI	National Indicator (replaced BVPIs in 2008/09)

**The strategy itself is available on the web at**

[http://www.herefordshire.gov.uk/docs/Environmental Strategy Summary - 12-08.pdf](http://www.herefordshire.gov.uk/docs/Environmental%20Strategy%20Summary%20-%2012-08.pdf)

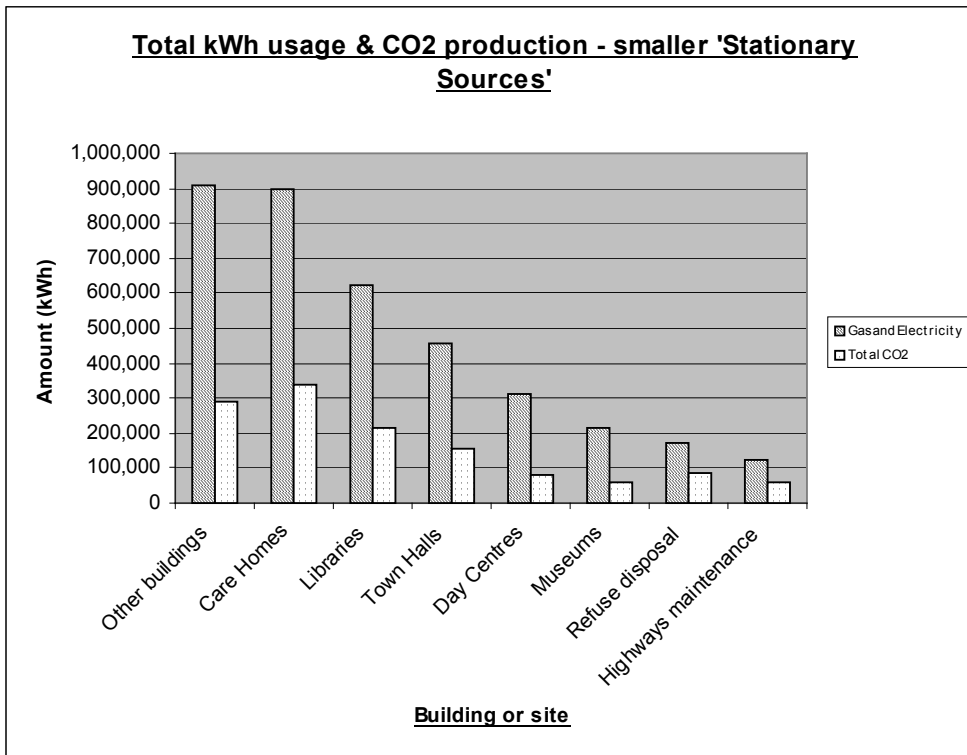
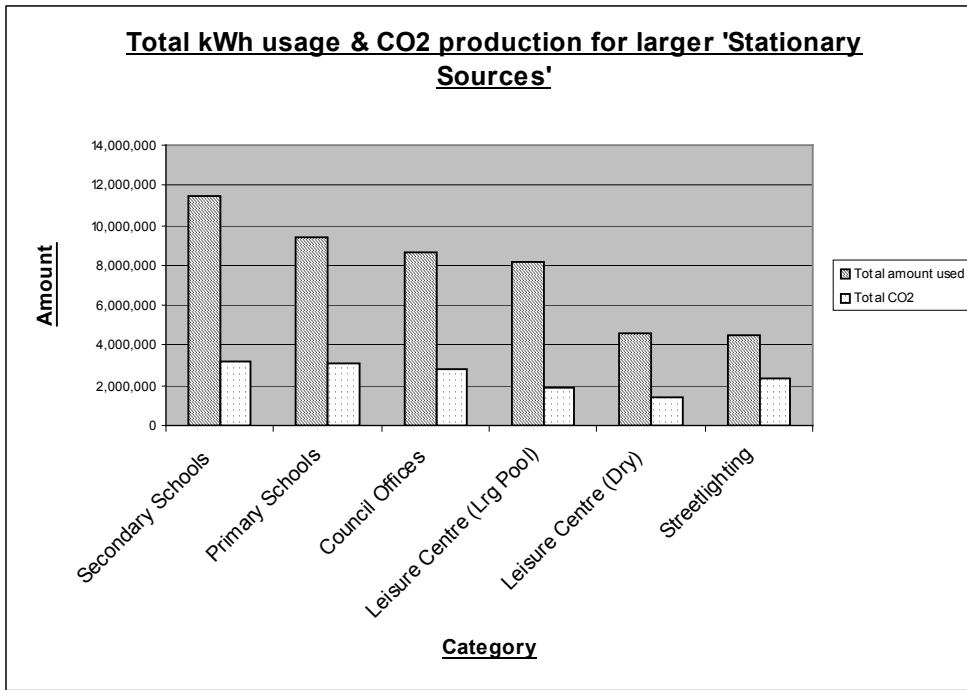


**Appendix 2: Summary NI185 return – council carbon emissions**

<b>Year:</b>	2009			
<b>Total Emission (kg)</b>	22,730,372		<b>Change from previous year</b>	NA
<b>Buildings and street lighting - energy use</b>			<b>Buildings and street lighting - emissions</b>	
	<b>Energy use</b>	<b>Units</b>		<b>CO2 Emission</b>
				<b>Units</b>
<b>Total Energy Use</b>	50,577,470	kWh	Total	15,958,200
				kg
<b>Total electricity use</b>	19,533,547	kWh	Emissions from electricity	10,216,006
				kg
<b>Total fossil fuel use (gas)</b>	31,043,923	kWh	Emissions from fossil fuel consumption	5,742,194
				kg
			<b>Weather corrected emissions</b>	15,779,864
				kg
<b>Transport</b>			<b>Transport - CO<sub>2</sub> emissions by journey type</b>	
			<b>Total Emissions</b>	6,772,171
				kg
			<b>Vehicle fleet</b>	3,803,652
				kg
			<b>Business Travel</b>	2,968,520
				kg



**Appendix 3: Principal stationary sources of CO2 (NI185 return)**

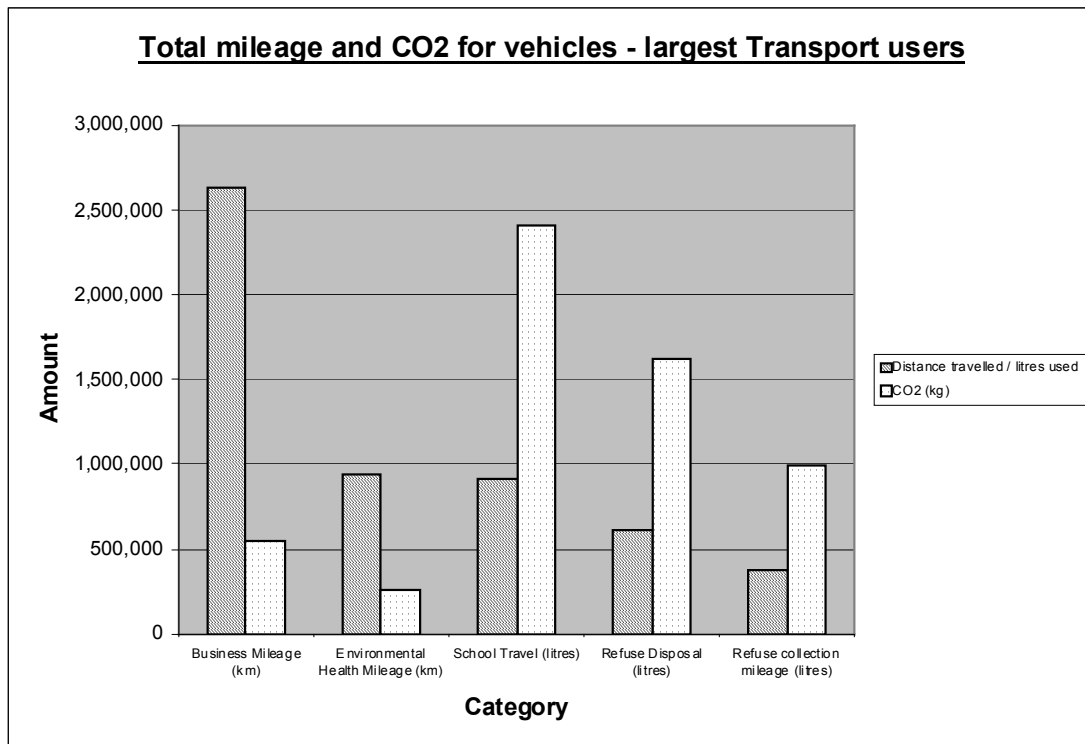




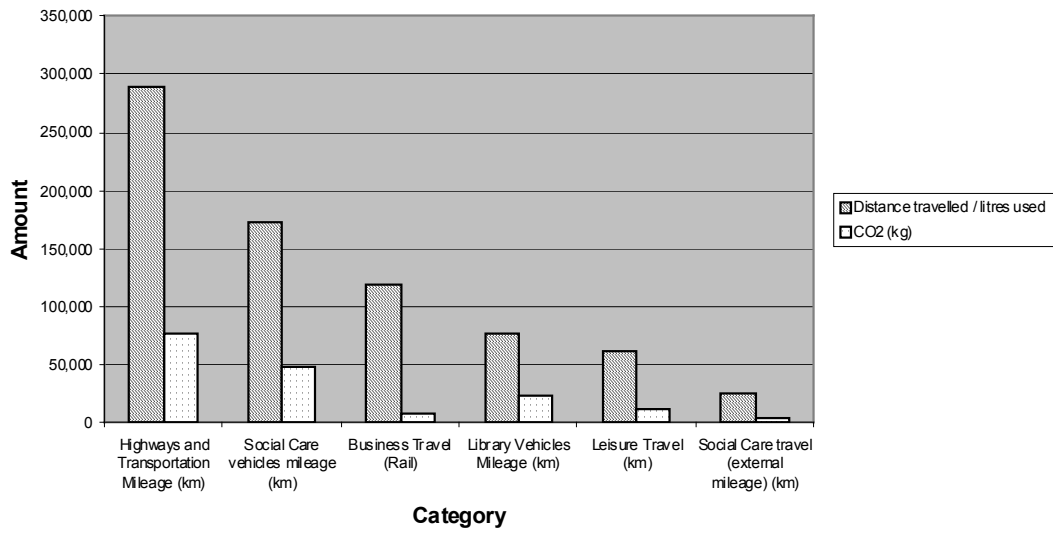
#### Appendix 4: Summary transport emissions from NI185

Table relating to emissions from vehicles owned by council, staff and contractors

Site or group	CO2 emissions total (kg)
<b>Council owned &amp; staff Vehicles</b>	
Business mileage	550,029
Environmental Health	257,430
<u>Total</u>	<b><u>807,459</u></b>
<b>Contractors Vehicles</b>	
Highways and Transportation	76,431
Highways Maintenance	779,437
Leisure Centre vehicles	11,488
Library vehicles	23,592
Refuse Collection vehicles	988,099
Refuse Disposal vehicles	1,619,832
School Travel	2,406,813
Social Care vehicles	47,343
<u>Total</u>	<b><u>5,953,035</u></b>



### Total mileage and CO2 for vehicles- smaller transport users



## Appendix 5: Performance against Action Plan to reduce carbon emissions in 2008/09

Principal Service initiatives to reduce Council carbon emissions planned for 2008/09 (NI185)

Activity	Lead	Predicted CO2 reduction	Performance
Improved lighting in Maylords car park and PowerPerfectors in 2 county high Schools	Property	<b>40 tonnes</b>	Installed – see also paragraph 19.
Replace outdated Transmittion systems in Schools & other buildings with TREND Building Management Systems	Property	<b>60 tonnes</b>	Trend installed on 66 sites
Virtualisation of 133 servers by ICT, reducing server power consumption and associated cooling by reducing number of servers from 200 down to 10	ICT	<b>52 tonnes</b>	190 servers virtualised in 08/09
Use of pedal powered delivery service for moving council files -Planning & Modern Records		<b>1.1 tonne</b>	Continuing.
Works on Halo run premises and to LEA pool	HALO/ Property Services		Aiming for 10% reductions with detailed plans for all premises.
Effect of better flare at Stretton Sugwas in reducing emissions by converting methane to CO2 and water	Environmental Health	<b>4162 tonnes</b>	Much more accurate data on flare operation.
£50K available in 08/09 as one off loan for schemes to improve the energy efficiency of council stock	Property		Allocated to street lighting pilots, wood fuel strategy and Re:Think energy scheme
Continue to replace street sign lamps with more efficient replacement (1x 13w bulb & electronic control) rather than the 2 x 11w bulb and mechanical switch). Replace Belisha Beacons and School Flashers as they fail with LED lights. All new lights installed are fitted with more efficient electronic control gear and ballast. Areas and lights are to be selected for conversion to Half night electronic cells that activate at darkness and switch off at 0100hrs. Routes are also to be identified for introducing light dimming schemes. Consideration is being given to converting continuous lit bollards with an electronic cell to switch off during daylight hours.	Highways	Reduced electricity use from 14500 lighting units. Inventory update near completion to form the basis for rolling replacement programme & allow reduction to be quantified.	Ongoing replacement programme. Hereford standard for illuminated signage now specifies LED lighting. Work on inventory continues. 38 bollards changed to LEDs with infrared switching. Three Elms street lighting dimming trial imminent.
Improved routeing of Home to School Transport vehicles	Children & Young People	Reduce CO2 emissions	
Convert existing Traffic Signal lights to LED units as well as installing LED units on all new work	Highways	Reduced electricity use from service's Traffic Signals	Ongoing







<b>MEETING:</b>	<b>ENVIRONMENT SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>14 SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>EXECUTIVE RESPONSE AND ACTION PLAN FOLLOWING THE SCRUTINY REVIEW OF THE PLANNING SERVICE</b>
<b>REPORT BY:</b>	<b>HEAD OF PLANNING AND TRANSPORTATION</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide.

### **Purpose**

To consider Cabinet's response to the recommendations made to it in the Scrutiny Review of Planning Services and following the Planning Service Review undertaken by the Audit Commission.

### **Recommendation**

- THAT (a) Cabinet's response to the findings of both Reviews of the Planning Service be noted, subject to any comments which the Committee wishes to make; and**
- (b) a further report on progress against the single action plan for the service be made after six months with consideration then being given to the need for any further report to be made.**

### **Introduction and Background**

1. On 20 April 2009 this Committee approved the findings of the Planning Services Scrutiny Review.
2. The Committee agreed that the Executive's response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive had approved its response; and that a further report on progress in response to the Review then be made after six months with consideration then being given to the need for any further reports to be made. The Committee were also aware that a review of the Planning Service was due to be reported by the Audit Commission and for completeness the Committee requested that it be informed of the Executives response to that review.

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Further information on the subject of this report is available from  
A Ashcroft, Head of Planning and Transportation on (01432) 383098

3. Cabinet considered its response to both reviews on 30 July 2009. The report to Cabinet setting out the response to the Scrutiny Review and the Audit Commission Review, together with action plans, is appended.
4. Cabinet agreed the recommendations as set out in the report to it.

### **Background Papers**

- None identified.

<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>30 JULY 2009</b>
<b>TITLE OF REPORT:</b>	<b>RESPONSE TO AUDIT COMMISSION AND ENVIRONMENT SCRUTINY COMMITTEE REPORTS ON THE PLANNING SERVICE</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENT AND STRATEGIC HOUSING</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To approve responses to the two reports.

### **Key Decision**

This is not a Key Decision.

### **Recommendations**

**THAT:**

- (a) the responses as set out in Appendix 1 and 2 be approved; and
- (b) the proposed incorporation of the responses into a single action plan for service improvement be noted.

### **Key Points Summary**

- Two reports have recently been produced on the Planning Service.
- Both make detailed recommendations on service delivery.
- The proposed responses will assist in future service delivery and will be incorporated into a single action plan for service improvement.

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Further information on the subject of this report is available from  
Andrew Ashcroft, Head of Planning and Transportation on (01432) 383098

## **Alternative Options**

- 1 Both reports require the preparation of a detailed response.

## **Reasons for Recommendations**

- 2 The two reports have provided useful guidance on service improvements which complement and extend improvements already being implemented or planned for the future.

## **Introduction and Background**

- 3 The Audit Commission published a report in March 2009 on the operation of the development control system. The report was produced as part of the 2008/09 programme that the Audit Commission agreed with the Council for the delivery of its audit and inspection remit. A copy of the report is attached at Appendix 3 for Members' information.
- 4 The report of the Planning Services Scrutiny Review Group of the Environment Scrutiny Committee was presented to the Environment Scrutiny Committee on 20 April, 2009. The remit of this report covers a far wider area than the Audit Commission report. A copy of the report is attached at Appendix 4 for Members' information.
- 5 There are clear overlaps between the two reports. Usefully there is a high degree of consistency between the two sets of findings and recommendation.
- 6 A summary of the two sets of recommendations are set out in Appendix 1 (Audit Commission) and Appendix 2 (Environment Scrutiny review) together with a series of proposed responses and actions plans.

## **Key Considerations**

- 7 The reports set out recommendations that largely fall to be tackled at two levels. The majority are of a professional, procedural or technical nature and can be readily incorporated into systems and practices within the Planning Service. Others are of a constitutional nature and relate to the way in which the Council delivers its development control service in general, and the composition of planning committee structures in particular. This latter aspect has already been the subject of detailed discussion with political groups, and is being reported to Council on 24 July, 2009 in order to allow the widest possible debate on this matter. The views of Council will be reported verbally to Cabinet.

## **Community Impact**

- 8 The acceptance of the recommended responses will have a largely notional impact on the wider community. The degree of public involvement in the planning process will continue. The ability of local members to engage in the planning process will be consolidated and extended.

## **Financial Implications**

- 9 Most of the proposed responses to the recommendations are likely to be cost neutral.
- 10 Any potential reduction in the number of planning committees may bring about some reduction in the overheads of delivering the existing development control service and these will need to be assessed in full in due course.

- 11 The Audit Commission's report has highlighted the high cost of the unsuccessful defence of several high profile refusals of planning permission in recent years, together with the costs that have been associated with other challenges to the operation of the service. An improved Planning Service would be in a better position to avoid future legal and other expenses.

## **Legal Implications**

- 12 There are no specific legal implications arising from this report.
- 13 Appropriate amendments will need to be made to the Constitution to give effect to the proposed changes; these will be effected as part of the ongoing refresh of the Constitution.

## **Risk Management**

- 14 The Planning Service remains high-profile, and this will continue as the county embarks on the New Growth Point initiative in general, and its Local Development Framework in particular.
- 15 The effective operation of the planning system also has a significant impact on the wider reputation of the Council. Since the publication of the Audit Commission report and the findings of the Environmental Scrutiny review group the Local Government Association has published an update of its report on Probity in Planning. This is timely and will allow your officers to ensure that all documentation that supports the new arrangements will be entirely in accordance with national best practice.

## **Consultees**

- 16 Both reports engaged with Members and other key stakeholders in the formulation of their recommendations. Detailed meetings have taken place with political groups on the proposals for new governance arrangements in delivering the development control function.

## **Appendices**

- 17 Appendix 1 – Recommendations and Proposed Actions – Audit Commission Report.  
Appendix 2 – Recommendations and Proposed Actions – Environment Scrutiny Report.  
Appendix 3 – Audit Commission – Planning Services Review – Herefordshire Council Audit 2008/09 – March 2009  
Appendix 4 – Scrutiny Review of Planning Services – Report by Planning Services Scrutiny Review Group – March 2009

## **Background Papers**

Local Government Association – Probity in Planning May 2009



**Audit Commission – Planning Services Review**

**Action Plan**

<b>Recommendation R1</b>	Maximise opportunities to engage and learn from existing/new stakeholders.				
<b>Cabinet's Response</b>	Accepted. The recommendation reflects ongoing and planned work, especially on the LDF and the Civica project.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Remodelling of Agent's Forum	DC Manager	Sept 09	Greater understanding. Engagement by agents		
Securing feedback from public attendees at Committee	DC Manager	Oct 09	Greater customer focus to meetings		
Revised arrangements for working with the business community	HOP&T/DC Manager	Oct 09	Swifter processing of applications and tailored pre-application advice		
Workshops with community groups, town and parish councils on delivering an electronic planning information system	HOP&T/DC Manager	Nov 09	Understandable and simple-to-use system		

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<b>Recommendation</b>	Exploit potential for learning from appeals and other challenges in a training and development setting					
<b>R2</b>	Accepted					
<b>Cabinet's Response</b>	Accepted					
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>		
Training for all Development Control officers on lessons learnt from appeals/challenges	HOP&T/DC Manager	Sept 09	Understanding of areas where Inspectorate does not support Council decisions			
Training event for all Members on lessons learnt from appeals/challenges	HOP&T/DC Manager	Oct 09	Understanding of Inspectorate decision			
Preparation of detailed notes for affected ward members on cases referred to in the Audit Commission report	DC Manager	Nov 09	Understanding of Inspectorate decision			
Preparation of new protocol for reporting appeal decisions to committee(s)	HOP&T/DC Manager	Dependant on revised committee structures	Informed debate on appeal decisions			
Preparation of and delivery of training event(s) for town/parish councils on the wider system and any changes made	HOP&T/DC Manager	Sept/Oct 09	Wider understanding of the system			



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<b>Recommendation R3</b>	Develop a full understanding of the impact of external challenges on capacity and reputation				
<b>Cabinet Response</b>	Accepted.				
<b>Action</b>					
Preparation of detailed protocol with Communications Team	HOP&T	Oct 09	Preparation of appropriate and timely releases of information to the press and public		
<b>Recommendation R4</b>	Review the planning delegation scheme.				
<b>Cabinet Response</b>	Accepted. A new system should reflect good practice and be in an accessible format.				
<b>Action</b>					
Preparation of revised scheme of delegation on planning matters.	HOP&T/DC Manager	Relates to revised Committee Structures (R5) Oct 09	Clear and transparent system		
Circulation of revised scheme of delegation to all members and clerks of town/parish councils	DC Manager	Relates to revised Committee Structures (R5) Oct 09	Clear and transparent system		

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<b>Recommendation</b>	Review and amend the planning decision-making process					
<b>R5</b>	Review and amend the planning decision-making process					
<b>Cabinet Response</b>	Accepted.					
<b>Action</b>						
Detailed meetings with all political groups.	Owner Cabinet Member (E&SH)	By When July 09	Target/Success Criteria Full debate on the issue	Progress Conservative Group Liberal Democrat Group Independent Group		
Discussion of options with Cabinet Member	Owner Cabinet Member (E&SH)	By When June 09	Target/Success Criteria Feedback on Group discussions			
Preparation of Report on Options to Full Council	Owner Cabinet Member (E&SH)/ HOP&T	By When Oct 09	Target/Success Criteria Agreement of revised structures	Progress Referral of options to Constitutional Review working party		
<b>Recommendation</b>	Clarify procedures for conduct of planning committee(s)					
<b>R6</b>	Clarify procedures for conduct of planning committee(s)					
<b>Cabinet's Response</b>	Accepted.					
<b>Action</b>						
Preparation of protocol for officer presentations to Committee	Owner HOP&T	By When Sept 09	Target/Success Criteria Consistent and clear reporting	Progress		
Preparation of protocol for Members role at Committee	Owner HOP&T	By When Sept 09	Target/Success Criteria Agreed levels of input and comments			
Preparation of revised guidance notes for members of the public attending/speaking at the Committee	Owner HOP&T	By When Sept 09	Target/Success Criteria Better understanding by the public of Committee proceedings			

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<b>Recommendation R7</b>	Improved documentation on call-ins, site visits, and amendments/overturns to proposals				
<b>Cabinet's Response</b>	Accepted				
<b>Action</b>		<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Preparation of revised protocols and procedures on these matters		DC Manager	Sept 09	Greater clarity and consistency	
Incorporation of these matters into Member training event (see R1)		HOP&T	Oct 09	Member training on revised arrangements	
<b>Recommendation R8</b>	Reinforce the importance of preparedness, impartiality, open-mindedness and policy planning for members.				
<b>Cabinet's Response</b>	Accepted. There are clear links to R4 and R5.				
<b>Action</b>		<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Organisation of training event for Members with an ongoing development control function. (Delivered by external facilitators)		HOP&T	Oct 09	Operation of new committee(s) to national best practice	

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<b>Recommendation R9</b>	Ensure greater separation between role of local ward Member and the planning decision maker			
<b>Cabinet's Response</b>	Accepted. This overlaps with the action plan on R5.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Organisation of training event for Members without a seat on a development control committee in the new structure.	HOP&T	Sept 09	Understanding of revised roles and flexibilities	
<b>Recommendation R10</b>	Continue to build commitment to and ownership of the UDP and the emerging county-wide planning policy framework.			
<b>Cabinet's Response</b>	Accepted. This reflects ongoing work			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Preparation of detailed timetable for Member engagement in the LDF.	Forward Planning Manager	Sept 09	Member engagement in LDF process	
Preparation of detailed engagement for key stakeholder groups.	Forward Planning Manager	Sept 09	To secure stakeholder engagement in this important document	
<b>Recommendation R11</b>	Reinforce the need for all Councillors to make a balanced and consistent contribution to debates on planning applications at Committee			
<b>Cabinet's Response</b>	Accepted.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
See responses to R7 and R 8				

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<b>Recommendation R12</b>	Make induction and regular specific training mandatory for all Councillors involved in the planning decision making process.				
<b>Cabinet's Response</b>	Accepted.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Amend constitution to make induction and on-going training mandatory for all members with a development control function.	HOP&T/ Assistant Chief Executive (Legal and Democratic)	Sept 09	To ensure full and appropriate training		
<b>Recommendation R13</b>	Set out planning competencies and future training and development opportunities for all councillors involved in the planning decision-making process.				
<b>Cabinet's Response</b>	Accepted.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Establish members planning and skills framework	HOP&T	May 2010	Member competencies to be assessed against national benchmarks		
Preparation of annual training and development package for members with a development control function	HOP&T	Nov 09 (for 2010)	Training geared to ongoing development needs		

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<b>Recommendation R14</b>	Continue to explore good practice, and share experiences with other planning authorities				
<b>Cabinet's Response</b>	Accepted. This builds on existing practices.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Benchmarking processes with similar councils	DC Manager	Ongoing	Exposure to national/developing best practice		
Visits to other authorities with similar committee models to those adopted in the County pursuant to R5.	DC Manager	Oct 09 onwards	Learning issues around system operation		

**Environment Scrutiny Review of Planning Services**

**Action Plan**

<b>Recommendation 4A</b>	Using capacity from recession to work even more closely with growth issues in the County.			
<b>Cabinet's Response</b>	Accepted. This has naturally developed as discussions have taken place about this report and that produced by the Audit Commission.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
The redeployment of staff from development control will be monitored on an ongoing basis.	HOP&T	Quarterly	Appropriate use of staff resources	
<b>Recommendation 4B</b>	Give particular attention to elected members representing wards in Hereford City given the concentration of new growth.			
<b>Cabinet's Response</b>	Accepted. As the report suggests this should not be at the expense of consultation with other members, as there is also significant growth proposed in other parts of the County.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Preparation of detailed timetable for Member engagement in the LDF.	Forward Planning Manager	Sept 09	Member engagement in LDF process	
Preparation of detailed engagement for key stakeholder groups.	Forward Planning Manager	Sept 09	To secure stakeholder engagement in this important document	

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<b>Recommendation 4C</b>	Preparation of Planning Services Masterplan.				
<b>Cabinet's Response</b>	Accepted. The outcome of the Cabinet's consideration of the two reports will allow the HOP&T to prepare an overall service improvement Masterplan.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Incorporation of responses from this report and that of the Audit Commission into a single service improvement masterplan.	HOP&T	August 09	Clarity of tasks to be undertaken.		
<b>Recommendation 4D</b>	Examples of authorities with significant experience in modernising be studied and incorporated into Masterplan.				
<b>Cabinet's Response</b>	Accepted. This overlaps with the response to the Audit Commission report.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Benchmarking processes with similar Councils.	DC Manager	Ongoing	Exposure to national/developing best practice.		
Visits to other authorities with similar committee models to those adopted in the County.	DC Manager				



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<b>Recommendation 4E</b>	Arrangement of seminar to involve other Councils.			
<b>Cabinet's Response</b>	This is partially accepted. Learning and development from others will be essential to the change management process. This may best be achieved by visiting other authorities.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Benchmarking processes with similar Councils.	DC Manager	Ongoing	Exposure to national/developing best practice.	
Visits to other authorities with similar committee models to those adopted in the County.	DC Manager			
<b>Recommendation 4F</b>	Preparation of a comprehensive consultation plan be developed on future growth proposed in the LDF.			
<b>Cabinet's Response</b>	A detailed consultation strategy has already been agreed as part of the LDF process. The matter will be discussed with members and stakeholders.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
See action to R10 of the Audit Commission report.				
<b>Recommendation 5A</b>	Expansion of membership of LDF Task Group.			
<b>Cabinet's Response</b>	Accepted. The matter was raised at the Task Group meetings on 11 <sup>th</sup> May 2009 and discussions are underway to extend the membership of the Group.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Preparation of revised terms of reference for the Task Group and invitations to potential new members.	Cabinet Member (E&SH)/HOP&T	August 09	Wider membership of Task Group.	

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<b>Recommendation 5B</b>	Expansion of opportunities for members to discuss emerging LDF issues.				
<b>Cabinet's Response</b>	Agreed. This overlaps with the response to the Audit Commission report.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Preparation of detailed timetable for Member engagement in the LDF.	Forward Planning Manager	Sept 09	Member engagement in LDF process		
Preparation of detailed engagement for key stakeholder groups.	Forward Planning Manager	Sept 09	To secure stakeholder engagement in this important document.		
<b>Recommendation 5C</b>	Give greater attention to plainer English in planning documents.				
<b>Cabinet's Response</b>	Accepted. As the planning process becomes more complete the ability of the Council to engage with the public becomes ever more important.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Arrange Plain English Campaign training course for key staff	HOP&T	Sept 09	Appreciation of the need to produce clear, jargon-free literature		

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<b>Recommendation 5D</b>	Preparation of timetable for members involvement in LDF.					
<b>Cabinet's Response</b>	Accepted. This overlaps with the response to the Audit Commission report.					
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>		
Preparation of detailed timetable for Member engagement in the LDF.	Forward Planning Manager	Sept 09	Member engagement in LDF process			
Preparation of detailed engagement for key stakeholder groups.	Forward Planning Manager	Sept 09	To secure stakeholder engagement in this important document.			

<b>Recommendation 5E</b>	Agree with Town and Parish Councils the role of parish planning within the LDF				
<b>Cabinet's Response</b>	Accepted. This overlaps with the response to the Audit Commission report.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Preparation of detailed timetable for Member engagement in the LDF.	Forward Planning Manager	Sept 09	Member engagement in LDF process		
Preparation of detailed engagement for key stakeholder groups.	Forward Planning Manager	Sept 09	To secure stakeholder engagement in this important document.		
Arrange meeting with HALC/Cabinet Member, and send briefing note to all Town/Parish Councils	HOP&T/ Planning Policy Manager	Sept 09	Clarity in role of parish plans in the development plan process.		
<b>Recommendation 5F</b>	Appropriate funding of growth point initiative.				
<b>Cabinet's Response</b>	Partially accepted. The growth point initiative is already funded through central resources, the Growth Point fund from CLG and via the Planning and Housing Delivery Grant. The importance of funding this important initiative should not, however, be underestimated.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Monitor the financial position of the Growth Point initiative	HOP&T / Forward Planning Manager	Quarterly	Appropriate resources being available.		

<b>Recommendation 5G</b>	A programme of communication be commenced with developers/agents.			
<b>Cabinet's Response</b>	Accepted. This overlaps with the responses to the Audit Commission Report.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
See responses to R1 and R10 of the Audit Commission Report.				
<b>Recommendation 6A</b>	Establishment of an all-authority infrastructure group.			
<b>Cabinet's Response</b>	Accepted in principle. It is suggested that this is debated initially at the LDF Task Group, and that the remit of existing groups (such as the Major Projects Group) be reviewed to assess whether they can be incorporated into such an overarching group.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Consider establishment of all-authority infrastructure group at LDF Task Group 14 <sup>th</sup> September, 2009.	HOP&T	Sept 09	Relationship of LDF Working Group to infrastructure issues.	
<b>Recommendation 7A</b>	Achievement of top quartile DC Performance.			
<b>Cabinet's Response</b>	Accepted in principle. The ability or otherwise of achieving this target can be assessed once the Civica system has been implemented and any new committee structures established.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Monitor performance and reassess procedures once the Civica system is in place.	HOP&T	Oct 09	Continuously improving performance.	

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<b>Recommendation 7B</b>	Redeployment of Planning Services employees to priority areas within the Service.			
<b>Cabinet's Response</b>	Redeployment of staff from development control to planning policy took place earlier in the year. The situation is being monitored.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
The redeployment of staff from development control will be monitored on an ongoing basis.	HOP&T	Quarterly	Appropriate use of staff resources	
<b>Recommendation 7C</b>	Establish how other authorities deliver services			
<b>Cabinet's Response</b>	Agreed in principle. This overlaps with responses to the Audit Commission report.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Benchmarking processes with similar Councils.	DC Manager	Ongoing	Exposure to national/developing best practice.	
Visits to other authorities with similar committee models to those adopted in the County.	DC Manager			
<b>Recommendation 7D</b>	Establishment of a contingency budget.			
<b>Cabinet's Response</b>	Not accepted. Measures are already in place to cover abnormal expense.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
N/A.				

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<b>Recommendation 7E</b>	Ensure an appropriate balance between expenditure on planning policy and development control.			
<b>Cabinet's Response</b>	Accepted. See response to 7A			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
N/A.				
<b>Recommendation 8A</b>	Preparation of a costed and timed programme for the major planning issues in the LDF process.			
<b>Cabinet's Response</b>	Accepted. The Council has already allocated additional resources to the LDF process through its own Medium Term Financial Plan, and the Council will continue to be able to bid for external funding from the Growth Points Challenge Fund.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Monitor the financial position of the Growth Point initiative.	HOP&T / Forward Planning Manager	Quarterly	Appropriate resources being available	
<b>Recommendation 8B</b>	Roll-out of programme of training on development management principles.			
<b>Cabinet's Response</b>	Accepted. This overlaps with response to the Audit Commission report.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
See Action Plan to Audit Commission report (R2).				

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<b>Recommendation 8C</b>	Staff training in development management.			
<b>Cabinet's Response</b>	Accepted. This overlaps with response to the Audit Commission report.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
See Action Plan to Audit Commission report (R2).				
<b>Recommendation 9A</b>	Take account of committee cycles and town and parish councils when consulting on applications			
<b>Cabinet's Response</b>	Not accepted. The Council has a duty to determine applications within a statutory period. Town and parish councils are notified on applications and are given 21 days in which to respond. Nonetheless training offered to town and parish councils will offer guidance on how best to respond to planning applications in a timely manner.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Incorporate advice on commenting on planning applications on wider training to town and parish councils.	HOP&T	Sept 09	Speedier response to planning applications	
<b>Recommendation 9B</b>	Reconsideration of Parish Compact			
<b>Cabinet's Response</b>	Agreed. The Compact needs to be reconsidered in the light of the wider committee changes, and in advance of the determination of major LDF – derived applications.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Re-negotiate Parish Compact	HOP&T	Oct 2009	Relationship to new committee structure and wider arrangements.	



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<b>Recommendation 9C</b>	Placing Agents Forum on a formal basis.			
<b>Cabinet's Response</b>	Accepted.			
<b>Action</b>		<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
Discuss future composition/arrangements at next Agents Forum		HOP&T/DCM	Agents Forum 16 <sup>th</sup> July, 2009	Clarity of future arrangement/meeting schedules/governance
<b>Recommendation 9D</b>	Member guidance and training on relationships with officers			
<b>Cabinet's Response</b>	Accepted. This overlaps with proposed training stemming from the Action Plan to the Audit Commission report.			
<b>Action</b>		<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
Incorporating of this aspect of training into wider training packages		HOP&T	Sept/Oct 09	
<b>Recommendation 9E</b>	Any formal Agents Forum presents an annual report to the Environment Scrutiny Committee			
<b>Cabinet's Response</b>	This is ultimately a decision that the agents concerned would need to determine. The issue will be raised at the meeting on 16 <sup>th</sup> July, 2009			
<b>Action</b>		<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
Discuss this matter at the Agents Forum		HOP&T	16 July 09	

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<b>Recommendation 10A-10E</b>	Various recommendations on Section 106 Procedures			
<b>Cabinet's Response</b>	Accepted. In general several of the recommendations are now incorporated (or being incorporated) into the day-to-day operation of the Service following the appointment of the Planning Obligations Manager. It is recognised that these ongoing arrangements need to be incorporated into widely-accessible guidance. To this extent these elements of guidance will be incorporated into the report to Council in due course.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Incorporation of revised Section 106 Agreement procedures into Council report on committee structures on 24 <sup>th</sup> July, 2009.	HOP&T	July 2009	Information	
<b>Recommendation No. 10F</b>	Increase size of member training budget			
<b>Cabinet's Response</b>	Agreed in principle. The matter will need to be considered in the round setting the 2010/11 budget.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Direction of this information to the Director of Resources	HOP&T	July 09		
<b>Recommendation No. 10G</b>	Notice is taken of survey results included in the Environmental Scrutiny report.			
<b>Cabinet's Response</b>	Agreed. The Environment Scrutiny report has been important in shaping service improvements.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>

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<b>Recommendation No. 10H</b>	Development and roll out of training programme to town and parish councils.			
<b>Cabinet's Response</b>	Accepted. This overlaps with responses to the Audit Commission Report.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
See other responses on training and development.				
<b>Recommendation No. 10 I</b>	Establish standards for acknowledging letters and responding to phone calls.			
<b>Cabinet's Response</b>	Accepted. Customer standards already exist. Nonetheless there will be clear benefits to all concerned that these standards are incorporated in revised guidance notes on the operations of the system.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Include standards for acknowledging letters and responding to phone calls in updated guidance notes on the operation of the Development Control system.	HOP&T	Sept 09	Readily-understood system	
<b>Recommendation No. 10J</b>	Introduction of a systematic approach to collecting and analysing and using customer feedback.			
<b>Cabinet's Response</b>	Accepted. The existing information is collected and presented in a patchy way.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Introduction of systematic approach to collecting, analysing and using customer feedback.	HOP&T	Oct 09	Availability of readily useable information	

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<b>Recommendation No. 10K Cabinet's Response</b>	Enforcement service to be more viable and proactive.			
<b>Action</b>	Accepted. The enforcement service needs to take a balanced approach to breaches of planning permission based on the individual circumstances.	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
	Preparation and circulation of an Enforcement Guide and set of protocols.	Development Control Manager	Nov 09	Clarity on operation of planning system
<b>Recommendation No. 11A – 11H Cabinet's Response</b>	Detailed recommendations on the introduction of the Civica system (through Herefordshire Connects).  The system will be operational in September 2009. Detailed arrangements will be made to business processes as a result of its introduction. These will be refined on the basis of any changes to Committee structures and arrangements. Document scanning will be introduced in Phase 2 of the project and once a corporate decision has been made on document management systems.			
<b>Action</b>	Monitoring of successful roll-out of the Civica Project.	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
		IERS Project Board	Sept 09	Effective roll-out of the new system.
<b>Recommendation No. 11 I &amp; J Cabinet's Response</b>	Accommodation of Planning Services in a single building.  These matters will be addressed in the wider accommodation review of the Council.			
<b>Action</b>	Ensure that the operational requirements of the Planning Service are appropriately managed as part of the wider accommodation review.	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
		Accommodation Review Group	Ongoing	

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<b>Recommendation No. 11K &amp; L</b>	Various recommendations relating to the Committee system.			
<b>Cabinet's Response</b>	These areas overlap with the responses on the Audit Commission report (R5).			
<b>Action</b>		<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>
These matters will be dependent on the Council's decision on any revisions to the Committee structures				<b>Progress</b>



14<sup>th</sup> September 2009**CAPITAL BUDGET MONITORING****Report By: DIRECTOR OF RESOURCES****Wards Affected**

County-wide

**Purpose**

1. To advise Scrutiny Committee on progress of the 2009/10 Environment Capital Programme within the overall context of the Council's Capital Programme.

**Summary**

2. This report is largely based on the latest round of capital monitoring, which involved the examination of all schemes at the end of July 2009. The Environment Capital Working Group is keeping the overall spending position under careful review.
3. The total spent and committed at 31<sup>st</sup> July 2009 is £7.585 million or 45.3% of the Revised Forecast. The actual amount spent to date is £3.042 million.

**Financial Implications**

4. The Capital budgets for Environment for 2009/10 are shown in summary on Appendix 1, on scheme basis with funding arrangements indicated in overall terms.
5. The total of the Capital Programme reduced to £16,755,000 from the figure of £17,574,000 previously reported to this committee. This is a net reduction of £819,000 and the main variances are:
  - i) £1.46 million has been received in relation to Growth Point funding from central government as part of its commitment to increasing housing supply. This capital grant was awarded following a bid for expenditure to implement the Park & Ride scheme (North) but is not ring fenced. The Park & Ride scheme (North) is not expected to incur this expenditure in the current financial year so the 2009/10 Capital Programme has reduced to reflect this. This funding will be included in future years Capital Programmes.
  - ii) An additional £30,000 in relation to Hereford Crematorium scheme and relates to additional slippage in the 2008/09 Programme.
  - iii) There is an addition of £384,000 in relation to the Connect 2 scheme. This is due to realigning the total scheme budget to reflect the expected expenditure in 2009/10.
  - iv) Additional grant funding in relation to 2009/10 of £113,000 from Department of Transport to assist the Council in building up its highways asset inventory and analysis capability. This work is necessary to support changes in accounting guidelines for highways assets which will be incorporated into the 2011/12 accounts.

- v) There are two additional schemes in relation to Relocation of the Hereford Open Retail Market of £58,500 and Butter Market refurbishment consultation of £50,000. These schemes were approved through the annual capital bidding process and are funded through prudential borrowing.
- vi) There is an addition of £44,000 in relation to capital grant funding from the Home Office to support the Safer and Stronger Communities initiative.
- vii) A reduction of £39,000 in relation to align section 106 monies to schemes expected to be delivered in 2009/10.

## **RECOMMENDATION**

**THAT subject to any comments the Committee may wish to make the report be noted.**

### **BACKGROUND PAPERS**

- None identified

### **APPENDIX**

**Appendix 1 – Summary Environment Capital Programme Budget 2009/10**



### Summary Environment Capital Programme Budget 2009/10

Schemes	Original Budget	Revised Forecast	Change in Forecast	Spend/Known Commitments	% Spent/ Committed
	2009-10	as at 31st July 2009		to 31st July 2009	to 31st July 2009
	£000	£000	£000	£000	%
<b>Hereford Integrated Transport Strategy:</b>					
Behavioural Change Countrywide	75	75		23	30.7
Hereford Transport Strategy	990	990		85	8.6
Rural Herefordshire Transport Strategy	430	430		192	44.7
Road Safety Strategy	760	760		405	53.3
Maintaining the Transport Network	9,387	9,487	100	4,329	45.6
Integrated Transport Staff Contribution	301	301		301	100.0
<b>LTP TOTAL</b>	<b>11,943</b>	<b>12,043</b>	<b>100</b>	<b>5,335</b>	<b>44.3</b>
<b>Non LTP Schemes</b>					
Ross Flood Alleviation Scheme				681	
Rotherwas Access Road	258	258		212	82.2
Bridge strengthening on PRN (transferred to LTP Budget)	100		-100		
Growth Area Funding (Park & Ride schemes)	1,460		-1,460		
Hereford City Centre Enhancements	1,149	1,149		88	7.7
Hereford Crematorium	99	129	30	97	75.2
Leominster Closed Landfill Site Monitoring Infrastructure	273	273		37	13.6
Waste Infrastructure Capital Grant	755	755		755	100.0
Connect 2	393	777	384	151	19.4
Stretton Sugwas Closed Landfill Site	40	40		1	2.5
Strangford Closed Landfill Site	77	77		53	68.8
Specific Road Safety Grant	74	74		58	78.4
Improvements of A40 & A465	220	220			-
Pedestrian Improvements - Ledbury Road	51	51			-
Transport Asset Management Plan	120	233	113		-
Butter Market Project		50	50		-
Relocation of Open Retail Market		59	59	57	96.6
Safer Stronger Communities		44	44		-
S106 funded schemes	562	523	-39	60	11.5
<b>NON LTP TOTAL</b>	<b>5,631</b>	<b>4,712</b>	<b>-919</b>	<b>2,250</b>	<b>47.8</b>
<b>Expenditure to be Financed</b>	<b>17,574</b>	<b>16,755</b>	<b>-819</b>	<b>7,585</b>	<b>45.3</b>
<b>Funded by:</b>	<b>Original Budget</b>	<b>Revised Forecast</b>			
	<b>2009-10</b>	<b>as at 31st July 2009</b>			
	<b>£000</b>	<b>£000</b>			
Supported Capital Expenditure (Revenue)	11,195	11,195			
LTP Grant	748	748			
Growth Area Grant	1,460				
Specific Road Safety Grant	74	74			
Bridge Strengthening Grant	100	100			
Prudential Borrowing	2,289	2,812			
Waste Infrastructure Capital Grant	755	755			
Improvements of A40 & A465	220	220			
Pedestrian Improvements - Ledbury Road	51	51			
Transport Asset Management Plan	120	233			
Safer Stronger Communities		44			
S106 funding	562	523			
<b>Total Environment Capital Funding</b>	<b>17,574</b>	<b>16,755</b>			



**REVENUE BUDGET MONITORING****Report By: DIRECTOR OF RESOURCES****Purpose**

1. To advise members of the financial position for the Environment revenue budgets for the period to 31<sup>st</sup> July 2009. The report lists the variations against budget at this stage in the year and a projected outturn for the year.

**Financial Implications**

2. The current position for Environment is a projected underspend of £417,000. The Environment Scrutiny Portfolio includes services within Environment & Culture Directorate and the Regeneration Directorate. A projected underspend of £477,000 is within the Environment & Culture Directorate and an overspend of £60,000 is within Regeneration Directorate.

**Considerations**

3. The detailed Budget Monitoring Report to 31<sup>st</sup> July 2009 is attached at Appendix 1 for Members' consideration.
4. The total Environment budget for 2009/10 has increased to £26,204,000 from the amount reported to previous meeting, which was £26,168,000. This is a net increase of £36,000 and is made up of £153,000 for Emergency Planning which has now been transferred from the Deputy Chief Executive's Directorate to the Environment & Culture Directorate and a reduction of £117,000 in relation to Community Safety which is part of the Community Services Portfolio.

5. The summary position is set out in the table below.

2009/10	Annual Budget	Projected Outturn	Over/-Under spend
<u>Service Area</u>	£000	£000	£000
Highways	7,362	7,260	-102
Service Delivery Review Savings	-900	-525	375
Environmental Health & Trading Standards	695	695	0
Waste Management	13,037	12,387	-650
Directorate Management & Support	349	249	-100
Emergency Planning	153	153	0
Transportation	3,359	3,109	-250
Planning	2,149	2,459	310
<b>Environment Total</b>	<b>26,204</b>	<b>25,787</b>	<b>-417</b>

### Highways

6. A saving of £102,000 through staff vacancy management is expected to be achieved due to the recruitment freeze pending the service delivery review.

### Environmental Health & Trading Standards

7. Environmental Health & Trading Standards are expected to match budget. There is a risk that the Car Parking income target may not be met but this is expected to be offset by receipts from the Crematorium which continues to exceed budget.

### Waste Management

8. Latest estimates from Worcestershire County Council of waste disposal contract costs project an underspend of £650,000 on Herefordshire's Waste Disposal budget for 2009/10.
9. The cost of the new waste disposal contract will become considerably higher than at present and in previous years any in-year underspend on the contract has been transferred to reserves to meet these future waste management pressures. This is not accounted for in the projected outturn figures.
10. There is a risk that if waste growth/reduction between Herefordshire and Worcestershire vary by more than 1% to the detriment of Herefordshire then an increase of £300k would be incurred by Herefordshire. This will be closely monitored throughout the year.

**Directorate Management & Support**

11. An underspend of £100,000 is expected through staff vacancy management in 2009/10.

**Service Delivery Review Savings**

12. Savings achievable through the service delivery review are based on a transfer date of 1<sup>st</sup> September 2009 assuming that they are received pro rata against the guaranteed £1m. Whilst the £900,000 savings are not expected to be achieved through service delivery review due to delays in contract negotiations, staff savings of £180,000 are expected to be achieved through vacancy management pending the staff transfer and are included in outturn estimates within the Highways and Culture & Leisure services.

**Transportation**

13. Recent contract negotiations on bus services have made a number of savings totalling £20,000 that should ease the pressures on budgets. A repayment of a contract payment made last year for £80,000 been set aside to mitigate other overspends within the Directorate.
14. Current indications are that the take up for concessionary fares is reducing. Based on the latest figures a prudent estimate would be a saving of £100,000. The forecast includes the receipt of £50,000 from the recent Area Based Grant re-allocation process.

**Planning**

15. Planning is currently expected to overspend by £310,000.
16. The levels of income generated from planning applications and building control charges are closely tied to the external economy and housing market. The Council have recently received several large applications which have improved the income position. Based on the first four months results, shortfalls in income for this coming year are forecast at £71,000 for Building Control and £126,000 for Development Control.
17. Monthly costs for scanning of plans continue to be a pressure on budgets until the new IT system is implemented. Based on current levels this is estimated to be £68,000 over the financial year. A further overspend of £45,000 is currently forecast for Planning documentation storage. Planning Management is currently looking at ways of mitigating these costs within existing budgets.

**Recovery Plans**

18. A review of staffing arrangements within planning including freezing current vacancies should generate savings of £35,000.
19. The balance of the overspend of the Regeneration Directorate is expected to be covered though a combination of further Directorate vacancies being held, operational savings identified within the Directorate and further anticipated savings from Concessionary Fares.

## RECOMMENDATION

**THAT** subject to any comment the Committee may wish to make the report be noted.

### BACKGROUND PAPERS

- None identified

### APPENDIX

**Appendix 1 – Summary Environment Revenue Budget 2009/10**

**SUMMARY ENVIRONMENT REVENUE BUDGET REPORT 2009/2010**

	Annual Budget £000	Predicted Outturn £000	Predicted Over/ -Under spend for year £000	Actual to 31.07.09 £000	Budget to 31.07.09 £000	Over/ -Under spend to 31.07.09 £000
<b>Summary</b>						
Highways	7,362	7,260	-102	1,745	2,032	-287
Service Delivery Review Savings	-900	-525	375	0	0	0
Environmental Health & Trading Standards	695	695	0	91	267	-176
Waste Management	13,037	12,387	-650	1,944	2,664	-720
Directorate Management & Support	349	249	-100	192	228	-36
Emergency Planning	153	153	0	48	50	-2
Transportation	3,359	3,109	-250	1,001	1,325	-324
Planning	2,149	2,459	310	529	717	-188
<b>ENVIRONMENT</b>	<b>26,204</b>	<b>25,787</b>	<b>-417</b>	<b>5,550</b>	<b>7,283</b>	<b>-1,733</b>

**Highways**

Public Conveniences	378	378	0	122	119	3
Highways Running Costs (inc staff)	1,516	1,414	-102	604	683	-79
Roads Maintenance	1,895	1,895	0	443	454	-11
NRSWA (inc staff)	-5	-5	0	-68	-64	-4
Emergency Maintenance	150	150	0	26	38	-12
Winter Maintenance	917	917	0	192	133	59
Detrunking Grant	-217	-217	0	-2	0	-2
Land Drainage/Flood Alleviation	172	172	0	-50	23	-73
Bridgeworks (inc staff)	77	77	0	60	57	3
Street Lighting (inc staff)	917	917	0	34	179	-145
Traffic Management (inc staff)	435	435	0	85	127	-42
Street Cleansing	1,127	1,127	0	299	283	16
<b>Sub-Total Highways</b>	<b>7,362</b>	<b>7,260</b>	<b>-102</b>	<b>1,745</b>	<b>2,032</b>	<b>-287</b>

**Environmental Health & Trading Standards**

Markets & Fairs	-257	-257	0	-75	-87	12
Cemeteries	21	21	0	-2	5	-7
Crematorium	-236	-286	-50	-76	-59	-17
Commercial Environmental Health	352	352	0	109	117	-8
Pollution	373	373	0	113	124	-11
Landfill & Contaminated Land	251	251	0	60	84	-24
Pest Control	61	61	0	-11	19	-30
Community Protection Team	355	355	0	88	117	-29
Animal Health & Welfare	127	127	0	52	42	10
Trading Standards	511	511	0	165	170	-5
Envt Health Management & Support	510	510	0	94	167	-73
Licensing	-114	-114	0	-13	-39	26
Traveller Sites	46	46	0	24	14	10
Car parks	-1,541	-1,491	50	-447	-439	-8
Decriminalised Parking	175	175	0	-4	12	-16
Shop Mobility	61	61	0	14	20	-6
<b>Sub-Total Environmental Health &amp; Trading Standards</b>	<b>695</b>	<b>695</b>	<b>0</b>	<b>91</b>	<b>267</b>	<b>-176</b>

**SUMMARY ENVIRONMENT REVENUE BUDGET REPORT 2009/2010**

	Annual Budget £000	Predicted Outturn £000	Predicted Over/ -Under spend for year £000	Actual to 31.07.09 £000	Budget to 31.07.09 £000	Over/ -Under spend to 31.07.09 £000
<b>Waste Management</b>						
Waste Disposal	8,987	8,337	-650	1,332	2,010	-678
Recycling	864	864	0	189	177	12
Trade Waste	-487	-487	0	-472	-392	-80
Domestic Waste Collection	3,673	3,673	0	895	869	26
<b>Sub-Total WASTE MANAGEMENT</b>	<b>13,037</b>	<b>12,387</b>	<b>-650</b>	<b>1,944</b>	<b>2,664</b>	<b>-720</b>
<b>Directorate Management &amp; Support</b>						
Director Of Environment & Culture	94	94	0	69	74	-5
Environment Support	255	155	-100	123	154	-31
<b>Sub-Total Directorate Management &amp; Support</b>	<b>349</b>	<b>249</b>	<b>-100</b>	<b>192</b>	<b>228</b>	<b>-36</b>
<b>Emergency Planning</b>						
Emergency Planning	153	153	0	48	50	-2
<b>Sub-Total Emergency Planning</b>	<b>153</b>	<b>153</b>	<b>0</b>	<b>48</b>	<b>50</b>	<b>-2</b>
<b>Transportation</b>						
Public Transport Rural	106	56	-50	138	59	79
Public Transport	1,234	1,134	-100	403	534	-131
Concessionary Travel	1,232	1,132	-100	241	457	-216
Design/Planning	55	55	0	11	18	-7
Road safety	128	128	0	48	43	5
Bus Stations	-16	-16	0	-15	-5	-10
S38	-47	-47	0	-34	-16	-18
Searches	-2	-2	0	-1	0	-1
Accident Investigation	92	92	0	35	35	0
Staff costs	441	441	0	137	155	-18
Running costs	136	136	0	38	45	-7
<b>Sub-Total Transportation</b>	<b>3,359</b>	<b>3,109</b>	<b>-250</b>	<b>1,001</b>	<b>1,325</b>	<b>-324</b>
<b>Planning</b>						
Building Control	-8	131	139	6	-3	9
Conservation	734	734	0	205	245	-40
Development Control	163	289	126	43	55	-12
Forward Planning	822	822	0	148	274	-126
Management and Admin	438	483	45	127	146	-19
<b>Sub-Total Planning</b>	<b>2,149</b>	<b>2,459</b>	<b>310</b>	<b>529</b>	<b>717</b>	<b>-188</b>



<b>MEETING:</b>	<b>ENVIRONMENT SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>14 SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>COMMUNITY PROTECTION TEAM</b>
<b>REPORT BY:</b>	<b>ACTING HEAD OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To update the Committee on the current status of the Community Protection Team.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT subject to any comments the Committee may wish to make the contents of this report be noted.**

### **Introduction and Background**

- 1 The council have a range of statutory responsibilities in respect of what are generally referred to as environmental crimes. The most common of these crimes, and potentially the most detrimental to our communities' enjoyment of their environment, are fly tipping, abandoned vehicles, dog fouling, and littering.
- 2 Historically environmental crime has been dealt with by officers working in different teams across council, effective to a degree, but without a consistent approach or a common purpose.
- 3 In April 2008 the Director of Environment & Culture initiated a project to draw these various strands together to form a cohesive and customer-focused team. Initially known as the Anti-Social Behaviour team, considerable development work was done over the next 12 months or so to arrive at a position in July 2009 whereby an operational Community Protection Team existed.

### **Key Considerations**

- 4 The Community Protection Team consists of a Team Leader, five enforcement officers and two dog wardens.

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Further information on the subject of this report is available from  
Shane Hancock, Acting Regulatory Services Manager on (01432) 261752

- 5 To enhance community contact and working relationships with Local Policing Teams and other partners and stakeholders, the enforcement officers each have 'ownership' of a specific geographic area. To facilitate this the County is split as follows – Hereford City (two officers), Kington and Leominster (one officer), Bromyard and Ledbury (one officer), Ross-on-Wye and Golden Valley (one officer).
- 6 The two dog wardens operate on a north – south split.
- 7 The team aims to provide a timely, co-ordinated, intelligence-led and customer-focussed service primarily in the areas of fly tipping (National Indicator), abandoned vehicles, dog fouling and littering. There is work ongoing in respect of introducing a Dog Control Order for the County, at which point some of the existing problems associated with the enforcement of dog fouling offences will be resolved. The dog wardens also provide a comprehensive stray dog service, another statutory council responsibility. Additionally the team works with, and supports, other council departments, and partners where appropriate, to deal with fly posting, graffiti, nuisance vehicles, and other low level anti-social behaviour.
- 8 In delivering these services the team seeks to balance prevention, through education and raising awareness, with robust enforcement. Education and awareness can be evidenced by the team's involvement in The Big Event at the Bishops Meadow in June, the team's lead in the multi-agency litter initiative in High Town in June, joint-patrols with the Police in the Castle Green area in June, and a number of media initiatives. In respect of enforcement the team currently has two cases of fly tipping before the Magistrates Court and a number of investigations pending that are likely to lead to prosecution. The team's 'enforcement protocol' is attached as Appendix 1.
- 9 There are primarily three main ways in which the team is tasked:
  - reactively, by incidents reported to the council through available reporting channels;
  - through multi-agency tasking;
  - through Partners and Communities Together (PACT) meetings.

Outside of this, however, the team has a 'can do' attitude and will seek to be imaginative and creative in its support to communities, and it's internal and external partners, in dealing positively with any issue that affects quality of life and enjoyment of our wonderful environment.
- 10 The work of the team is supported by an overt and covert surveillance capability in the form of cameras and associated equipment. The team manager is aware of the potential sensitivities around the use of such equipment, particularly by local authorities and any requests for surveillance will be carefully considered, managed, and will comply with legislative requirements (the Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998) and with the council's policy on such authorisations. A copy of the policy is included at Appendix 2. Before any surveillance can be undertaken, the Investigating Officer has to submit a comprehensive RIPA request form, clearly detailing the reasons why it is required, what it is intended to achieve and the steps to be taken to minimise any collateral intrusion and risk. There is an automatic three-month time limit imposed on any such request, although this can be reduced if deemed appropriate by the authorising officer. Approval to undertake such activity can only be given by one of the council's six designated authorising officers who are senior experienced managers within the local authority and who have had specific training in this field. The whole process is managed by the Council's Legal Services team and is subject to external audit and approval by the Office of the Surveillance Commissioners (OSC). There has been several audits by the OSC who have been complimentary in the way that we

have undertaken this process. The team has only deployed this equipment once to date and that was at a vacated Gypsy & Traveller site where criminal damage and theft had occurred, as a result no further incidents were reported at the site. There is currently one surveillance application being considered in relation to a joint-working initiative with the police in respect of graffiti.

- 11 The use of Fixed Penalty Notices has recently been introduced and this will provide a speedy sanctioned outcome to low level offending. Fixed Penalty Notices are complemented by a Notice of Environmental Crime that can be issued to offenders at the time of the offence, in circumstances where it may be prudent to make a decision at a later date, but be seen at the time to deal with the offending behaviour. This is considered a useful development in managing public perception.
- 12 Herefordshire Council is now an accredited organisation under sections 40 to 42 of the Police Reform Act 2002. Once trained and vetted accreditation status will be awarded to each enforcement officer in the Community Protection Team by the Chief Constable of West Mercia Police. Such accreditation will give them further powers to deal with an additional range of offences for example drinking alcohol in a designated area, alcohol and young people, fireworks, and cycling on footpaths.
- 13 This is an exciting time for the team as a number of strands of work are coming to fruition that will enable the team to establish itself and hopefully make a positive impact.

## **Community Impact**

- 14 There are no community impact considerations attached to this report.
- 15 However, the Community Protection Team can make a positive impact through its engagement with the PACT process (dealing with local concerns), its development of positive working relationships with partners, and its community focused engagement. It is intended that such work will positively influence perceptions of the way the Council is dealing with anti-social behaviour (in partnership with the Police where appropriate), and contribute to improving the reputation of the council.

## **Financial Implications**

- 15 There are no financial implications attached to this report.
- 16 Financial considerations will be an issue should future decisions be made about increasing the size of the team to either (i) continue to effectively meet demand, or (ii) to expand the scope of the team to deal with additional enforcement matters

## **Legal Implications**

- 17 There are no legal implications attached to this report.
- 18 Any future legislative change(s) could have an impact on the team.

## **Risk Management**

- 19 There are no risks associated with this report.
- 20 A significant risk to the Community Protection Team is the raised expectations internally and externally of what the team can deliver and its capacity to meet these expectations with existing resources. Such expectations will need to be carefully managed.

- 21 This is a small team covering the whole County, but a small team with the potential to make a difference in a number of key areas. Pressures to diversify into too many areas by regarding the team as the 'enforcement team' for the Council will have the associated risk of the team not making that difference.

## **Consultees**

Not applicable.

## **Appendices**

Appendix 1 – Community Protection Team Enforcement Protocol.

Appendix 2 – Form 9 - Regulation of Investigatory Powers Act 2000 – County of Herefordshire District Council Policy

## **Background Papers**

None identified.

# COMMITTEE REPORT – APPENDIX 1

## Community Protection Team Enforcement Protocol

### 1. Summary

This protocol should be read in conjunction with the Herefordshire Council Enforcement Concordat (March 1998) and the Environment and Culture Directorate Enforcement Policy (July 2006).

Environmental crime, for example, abandoned vehicles, fly-tipping and litter, dog fouling, graffiti, and fly posting, affects many communities across the County. The Community Protection Team is committed to playing its part in making these communities and therefore Herefordshire a cleaner, safer and greener County for all those who live in, work in and visit it.

To help achieve our aims and objectives, the team will use the range of enforcement measures outlined in this protocol. We will also initiate and take part in campaigns and projects designed to raise awareness of environmental issues, thus balancing enforcement with education. This is important as it is acknowledged that sustainable success will not be achieved solely by enforcement, but by changing attitudes and promoting personal responsibility and pride in the County.

### 2. Aims and Objectives

The overarching aim of the Community Protection Team is to reduce the level of environmental crime and encourage respect and responsibility by all.

In delivering this the team will:

- ◆ seek to raise awareness of the effects of environmental crime;
- ◆ seek to promote respect, responsibility and compliance through partnership working, initiating and taking part in activities designed to raise awareness and educate;
- ◆ seek to deliver a timely and effective response to reported incidents;
- ◆ use an intelligence led problem solving approach to tackle hotspot areas;
- ◆ investigate offences and take proportionate and effective enforcement action.

### 3. Scope of Protocol

The scope of the protocol at this time is informed by the size of the Community Protection Team and the geography of the County. It is important not to falsely raise expectations either within the Council, or externally with our partners and communities. As such the key areas that the team seeks to address are:

- ◆ Abandoned vehicles
- ◆ Fly tipping
- ◆ Litter
- ◆ Dog fouling and other offences associated with Dog Control Orders
- ◆ Fly posting
- ◆ Graffiti.

Priority tasking for the team will be as follows:

- Reactive response to reported incidents by the public through available Council channels;
- Through multi-agency tasking using National Intelligence Model methodology;
- Through Partners and Communities Together (PACT) meetings, thereby addressing issues of local concern.

Additional tasking will be considered when capacity allows. Notwithstanding this, where the team is unable to agree to take the lead investigative role on matters, it will nevertheless always seek to provide support, guidance and advice.

### 4. Principles of Enforcement

In delivering its statutory enforcement responsibilities the Community Protection Team will:

**be proportionate** in the application of legislation;

**target** enforcement action, ensuring that resources are directed towards those incidents that have the greatest risk of serious environmental and/or community impact;

**be consistent** in its approach, which does not mean uniformity but rather taking a similar approach in similar circumstances to achieve similar ends;

**be transparent** in its processes and procedures, reporting achievements and outcomes;

**be accountable** for its actions.

All enforcement investigations will be carried out in accordance with the Police and Criminal Evidence Act 1984 and the related Codes of Practice, and the considerations required by the European Convention on Human Rights when using powers:

- every action must have a legal basis, i.e. there must be a power;
- the action must be proportionate;
- the action must be relevant and necessary.

The Council will also consider the rights of individuals under Protocol 1 (Article 1), entitlement to 'peaceful enjoyment' of property and possessions, and Article 8, right to respect for private and family life, of the Human Rights Act 1998.

These rights will be balanced against the rights of communities, quality of the environment and the seriousness of offences committed.

## **5. Enforcement Options**

Formal prosecution is not always the most appropriate way of dealing with offending behaviour. In reaching disposal decisions consideration will be given to:

- the nature of the offence;
- the impact on the local environmental quality and community;
- the evidence available;
- the success or otherwise of any other actions;
- the antecedent history of the alleged offender.

Nothing within this protocol takes away an individual officer's discretion to deal with offending behaviour in appropriate circumstances by way of immediate and informal advice/warning aimed at education or raising awareness.

However, in all circumstances, when offences are committed and the suspected offender is known an early intervention will invariably be required. An exception may be when early intervention would compromise an ongoing investigation against an offender, or where the investigative strategy indicates early intervention is not the favoured tactic. In such cases advice must be taken from a supervisor or manager.

To facilitate such early intervention in circumstances where an immediate formal sanction may not be appropriate a Notice of Environmental Crime should be issued.

Following intervention and investigation a number of options are available as disposal methods.

### **No Further Action**

The most likely disposal method when there is insufficient evidence to support formal action.

### **Verbal Warning/Advice**

Enforcement Officers have the discretion to issue verbal warnings to offenders for minor and/or first time offences, particularly those which are easily or immediately remedied by the offender. A verbal warning will invariably be accompanied by advice with the aim of educating and preventing similar offending behaviour in the future. For example, a person dropping litter could be given a verbal warning for the offence, required to dispose of the debris in a waste bin or in another suitable manner, and given advice on the impact of their offending on others and on the environment. Where a verbal warning is given, brief details of the incident, and where practicable of the offender, should be recorded. An admission by the offender is not required to issue a verbal warning.

### **Written Warning**

A written warning may be given where it is considered that a more formal sanction than a verbal warning is required. A written warning might include advice on responsibilities. A record of written warning will be kept for a period of twelve months and taken into consideration should a further environmental offence be committed by the same offender. An admission by the offender is not required to issue a written warning. **The decision-maker for a written warning is the Community Protection Team Leader or Service Manager.**

### **Caution**

A caution may be appropriate and can often best meet the public interest for first time, low-level offences. An admission to committing the offence, and an agreement to accept a caution, is needed from the offender. A caution can be cited in court in any future court proceedings. **The decision maker for a caution is the Community Protection Team Service Manager.**

### **Fixed Penalty Notice**

**(Refer to Fixed Penalty Notices Policy for full details).**

Enforcement Officers can offer a Fixed Penalty Notice (FPN) for certain environmental crimes. FPN's are an alternative to prosecution. They provide



an opportunity for an offender to dispose of any liability for an offence that they have committed and avoid prosecution. In the majority of cases individuals will only be offered this course of action once; should they re-offend, cases will always be considered for prosecution. FPN's must only be issued where sufficient evidence is available to support a prosecution. The Council will offer discounts for early payment of FPN's. Unpaid notices will generally be progressed to prosecution for the original offence.

A FPN can either be issued at the time or retrospectively following engagement with the offender and the issuing of an incident report that gives brief details of the offence and advises the recipient that further formal action is being considered.

### **Anti Social Behaviour Orders**

In certain circumstances Anti-Social Behaviour Orders may be considered to effectively challenge behaviour, which is or has caused significant harassment, alarm or distress to persons not of the same household. Orders can contain specific conditions preventing the subject from committing specific acts or from entering specific areas. Where appropriate a post conviction anti-social behaviour order (CRASBO) may also be considered. Either option should be discussed with the Team Leader and legal advice taken.

### **Statutory Notices**

Certain offences will require the serving of a formal Statutory Notice on individuals, businesses and organisations requiring them to carry out specific legal obligations or requirements. **The service of a notice must be sanctioned by the Team Leader or Service Manager and after legal advice if considered necessary.**

### **Injunctions**

Where an officer considers it appropriate an injunction may be sought to stop certain actions or to ensure actions are undertaken. Advice should be taken from Legal Services if this is a consideration.

### **Prosecution**

Where circumstances indicate that a prosecution is appropriate the investigating officer will liaise with the Team Leader to agree what investigative actions are required. Once the investigation has obtained the necessary evidence a file will be completed. Where a guilty plea is indicated or anticipated an abbreviated file will be sufficient. In all other cases a full file will be required. (See Appendix 2 for guidance).

Where prosecution is the proposed disposal method the investigating officer should where necessary make an appointment with Legal Services to discuss the offence(s) being investigated and the evidence available to support

possible charges. Any additional work will be identified at this stage, and appropriate 'charges' agreed with Legal Services/Team Leader or Service Manager.

A quality system will be adopted to ensure a consistent and proportionate approach is taken with all offences. Once completed the file will be submitted through the Team Leader or the Service Manager, and reviewed by the Head of Service prior to being presented to legal for prosecution.

## **6. Juveniles and Mentally Disordered or otherwise Mentally Vulnerable People**

Whilst all disposal methods are available in respect juveniles and people who are mentally disordered, particular care will be taken when dealing with either of this category of offender.

Although often capable of providing reliable evidence, they may, without knowing or wishing to do so, be particularly prone in certain circumstances to provide information that may be unreliable, misleading or self-incriminating. Special care must always be taken when questioning such a person, and an appropriate adult should be involved if there is any doubt about a person's age, mental state or capacity. Because of the risk of unreliable evidence it is also important to obtain corroboration of any facts admitted whenever possible.

Mindful of this, liaison with other agencies and engagement with the offender and their appropriate adult will often be the best way forward, and /or sanctions at the lower end of the intervention options. Prosecution will generally be considered in only serious cases or where other options have been tried and failed to stop offending behaviour. In the case of people with mental disorders a medical view is likely to be necessary prior to any decision to prosecute.

Shane Hancock  
July 2009

**REGULATION OF INVESTIGATORY POWERS ACT 2000**  
**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL POLICY**

**1. INTRODUCTION**

The Council is committed to working for the overall good of the people of Herefordshire. In carrying out its duties the Council may need to conduct appropriate investigations into allegations or concerns brought to its attention. Occasionally, our investigation will require us to gather information in respect of individuals who may be unaware of what we are doing (through covert surveillance). In conducting our investigations we need to draw a fair balance between the public interest and the rights of individuals. In order to achieve that balance, the Council will take into account and comply with both the Regulation of Investigatory Powers Act 2000 (RIPA) and the Human Rights Act 1998. This policy therefore sets out the Council's approach to covert surveillance issues falling within the framework of RIPA in order to ensure consistency, balance and fairness. This information will provide additional protection and safeguards where these covert activities are likely to cause us to obtain what is called "private information" about individuals or where we go "under cover" in certain circumstances. This policy also makes it clear to the public what checks and balances will apply.

The purpose of this policy is to provide overarching guidance and a framework for the Council's activities under RIPA.

The Office of the Surveillance Commissioners (OSC) both advises the Council and members of the public about these issues and the OSC also audits and inspects the way in which Local Authorities including the Council work in accordance with RIPA.

**2. DEFINITION OF KEY TERMS**

The essential key to understanding the way that RIPA works is to understand the definitions used within the Act. Awareness as to whether a particular proposed activity comes within the ambit of the Act is critical in establishing which authorisation needs to be sought, if any, and at what level.

There are three categories of covert activity:-

- a) **"Intrusive surveillance"** – this is covert and carried out in relation to anything taking place on any residential premises or any private vehicle. It involves a person on the premises or in the vehicle or is carried out by surveillance device. Except in cases of emergency, it requires OSC approval. The power is available only to law enforcement agencies. Intrusive surveillance cannot be undertaken by the Council.
  
- b) **"Directed surveillance"** – this is covert surveillance but not intrusive surveillance. It is undertaken for a specific investigation or operation in a way likely to obtain private information about a person. It must be necessary and

proportionate to what it seeks to achieve and may be used by the wide range of public authorities identified in the legislation which includes the Council.

- c) **“Covert human intelligence sources”** (CHIS) – is the use or conduct of someone “undercover” who establishes or maintains a personal or other relationship with a surveillance subject for the covert purpose of obtaining information. An Authorising Officer must be satisfied that the CHIS is necessary, that the conduct authorised is proportionate to what is sought to be achieved and that arrangements for the overall management and control of the under cover officer are in force. CHIS may be used by the wide range of authorities identified in the legislation, which again includes the Council.

The following definitions are usefully explained:

- a) **“Overt surveillance”** This covers all situations where surveillance is not covert. Overt surveillance does not require authorisation under RIPA.
- b) **“Surveillance”** This is the monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications or recording anything monitored, observed or listened to in the course of surveillance and includes surveillance by or with the assistance of a surveillance device.

### 3. **THE CODES OF PRACTICE**

The Home Office website contains 2 useful Codes of Practice, in relation to covert surveillance and CHIS respectively. Officers likely to conduct surveillance and Authorising Officers will be familiar with the content of these. Whilst the Codes are not themselves law, they are citable in a court of law and any deviation from them may have to be proven to be justified, with the risk of valuable (often critical) evidence being ruled inadmissible by courts. The Home Office website is: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

### 4. **CONDUCTING COVERT SURVEILLANCE AND USING CHIS IN ACCORDANCE WITH RIPA**

#### **Authorisation**

As soon as a plan of action is decided upon which involves covert surveillance or the use of CHIS the appropriate authorisations should be sought. This involves an Investigating Officer completing the Council’s Authorisation forms as appropriate, depending on the activity sought to be authorised.

By virtue of the Regulation of Investigatory Powers (Prescription of Officers, Ranks and Positions) Order 2000 the appropriate level of Authorising Officer is the “Assistant Chief Officer” or the “Officer Responsible for the Management of an Investigation”. This will vary from Department to Department within the Council as to particular job title but the officer authorising will be not lower in rank than the person managing the team who are investigating or the Officer to whom the team are accountable. There is reproduced at Appendix 1 a list of the Authorising Officers from whom authorisation may be sought.

## Form 9

In general authorisation should be sought prudently and in advance of the activity constituting the covert surveillance or use of CHIS.

In exceptional circumstances this may not be possible. In circumstances where it is not practicable to secure written authorisation prior to undertaking the activity, for example when fairly innocuous overt surveillance reveals something that needs covert surveillance immediately, then oral authorisation must be given in advance.

Once oral authorisation has been given a permanent note should be made by the Authorising Officer.

As soon as practicable the Investigating Officer and the Authorising Officer must ensure that the appropriate form is completed and dealt with in the same way as authorisations obtained conventionally.

In any event oral authorisation must be backed up by written authorisation not more than 72 hours after the oral authorisation was given.

### **Undertaking Surveillance**

Investigating Officers of the Council should:-

- i. Only undertake surveillance or use of CHIS as long as is needed for the purpose for which is authorised.
- ii. Seek to reduce any collateral intrusion into the lives and business of both the surveillance subject (where appropriate) and also the subject's family, colleagues or associated third parties.
- iii. Seek to minimise (where possible) the amount of private information received in the course of the surveillance.
- iv. Ensure that adequate safety and welfare checks have been carried out prior to the use of CHIS. Where the CHIS being used is not an employee of the Council or is not trained for such work the officer in charge of the surveillance should endeavour to secure that assistance of council staff is close to hand and readily available to the CHIS.
- v. Act professionally and diligently regarding their own safety and the safety of any surveillance equipment at their disposal.

### **Using Surveillance Equipment**

Council officers conducting surveillance must endeavour to use any equipment that is necessary in the conduct of such surveillance in a responsible and discrete manner. Officers should be particularly wary that the use of any such surveillance equipment is restricted to being used in a manner that constitutes covert surveillance only. In instances where there is a risk that the use of such equipment will transform the operation into an intrusive one the surveillance should cease.

## Form 9

Upon the cessation of surveillance officers should ensure that any equipment is properly checked upon its return to storage both as to condition and that it does not contain material that could fall into the possession of unauthorised staff. For example staff should ensure that any video tapes, discs etc are removed from the equipment prior to storage and possible use by other persons.

If any faults with the equipment are detected this should be brought to the attention of the Authorising Officer as soon as possible. Under no circumstances should the Authorising Officer seek to rectify any faults as this could affect admissibility of the evidence contained within it or obtained by using it.

### **The Authorising Officer**

Upon turning their mind as to whether or not authorisation is warranted in a particular circumstance the Authorising Officer has to be satisfied on a two stage test:-

a. **Is the surveillance necessary?** To be necessary it must fall within one of the following categories, ie it is:

- In the interest of national security;
- For the purpose of preventing and detecting crime or of preventing disorder;
- In the interest of the economic wellbeing of the UK;
- In the interest of public safety;
- For the purpose of protecting public health;
- For the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a Government Department; or
- For any other purpose prescribed by an order made by the Secretary of State.

Authorising Officers should be particularly mindful of the actual weight and importance of individual words as to each of these categories and if in doubt should seek a second opinion from either their head of service or the Council's legal team.

b. **Is the conduct of the surveillance proportionate to its aim?** In other words the objective is important enough to justify the interference with a persons liberty and privacy.

The Authorising Officer ought also to pay attention to the means by which the surveillance is proposed and whether or not that means is the most appropriate for the particular circumstances of the case. Does it, for example, minimise collateral intrusion and is it readily workable.

Authorising Officers should be keen to limit the scope of authorisation where at all possible and where such limitation is imposed the authorising officer must bring such limitation to the attention of the investigating officer.

The Council's forms automatically impose a restriction of three months on the grant of any authorisation and further authorisation will need to be sought in the form of a renewal where appropriate.

In the case of verbal authorisations these will cease to have effect 72 hours after the authorisation is given unless a formal application for directed surveillance authorisation has been completed within that time.

### **Review**

Notwithstanding the initial authorisation may only be valid for three months if in the opinion of the authorising officer a more regular review is required this should be entered into the appropriate diary or calendar system by both the Authorising Officer and the surveillance officer involved.

### **Renewals**

Authorising Officers may renew authorisations to conduct surveillance (including oral reviews in the case of emergencies) and such a renewal will last for a further three months running from the date of the original authorisation terminating.

Authorising Officers conducting renewals should be particularly mindful of changes in circumstances to particular cases and any effects such changes would have on the need for surveillance or the nature of it. In every case it should be noted on the renewal form whether or not it is a first renewal or a subsequent renewal.

### **Cancellation of Authorisation**

Where appropriate the Authorising Officer should cancel an authorisation to conduct surveillance as opposed to letting an authorisation lapse.

Obviously it is of paramount importance that all officers involved in the surveillance are made aware of either the cancellation or lapse of an authorisation.

Council officers who continue to conduct surveillance once it is brought to their attention that it is no longer authorised may be liable to disciplinary proceedings from the Council and potential Court action by any party affected by the unauthorised surveillance.

### **Care and Custody of Authorisation Forms**

The initial authorisation form and any renewals will be kept by the authorising officer for the length of the authorisation. Upon the cessation of the authorisation or the operation involved in general arrangements will be made to promptly send the authorisation forms to the Council's Monitoring Officer to arrange safe storage of them. These will be stored in a readily accessible state for a period of three years from the date of authorisation ceasing unless they are recalled by the officer applying for authorisation or the Authorising Officer because, for example, an investigation has restarted. Any removal from the custody of the Monitoring Officer must be accompanied by the completion of a tracking marker (see Document 9 of Appendix 2).

The officer removing the authorising forms will be responsible for the safe keeping of those forms and any lapse in such safe keeping may be dealt with as a disciplinary offence.

**Form 9**

Under no circumstances must the forms that have been removed from the Monitoring Officers' custody be altered or amended in any way. This may also be treated as a disciplinary offence.

As a general rule authorisation forms that are no longer active should be returned to the Monitoring Officer as soon as possible.

Dependant on the data management systems in place at the time it may be the case that the Monitoring Officer will render the forms into another format eg microfiche or electronically scanned documents for the sake of practicality.

**5. GENERAL INFORMATION**

This policy is a public document and is available for public inspection at the Council's principal offices at Brockington, 35 Hafod Road, Hereford HR1 1SH and also upon the Council's website. Copies of this policy will be held in all Directorates and made accessible to all Authorising Officers and those who may need to provide authorisation. The policy will be reviewed and updated from time to time.

Complaints by members of the public, surveillance subjects or others which relate to any aspect of the surveillance may be dealt with in one of two ways.

- i. By means of the Council's normal complaints procedure in which case the complainant will be given a copy of the Council's standard complaints form.
- ii. By virtue of a complaint to the Investigatory Powers Tribunal, PO Box 3320, London SW1H 9ZQ (Tel: 020 2723 4514).

These procedures are mutually exclusive and it is the complainants choice whether or not to make a complaint to the Council, to the Tribunal or both.

Additionally dependant upon the nature of the complaint the complainant may be put in touch with the Local Government Ombudsman.

**Dated this ..... day of .....2003**





<b>MEETING:</b>	<b>ENVIRONMENT SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>14 SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>COMMITTEE WORK PROGRAMME</b>
<b>REPORT BY:</b>	<b>DEMOCRATIC SERVICES OFFICER</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide.

### **Purpose**

To consider the Committee's work programme.

### **Recommendation**

**THAT subject to any comment or issues raised by the Committee the Committee work programme be approved and reported to the Strategic Monitoring Committee.**

### **Introduction and Background**

1. As reported to Council in May, work is ongoing on the response to the findings of the external healthcheck of the scrutiny function, undertaken by the Leadership Centre, which is also looking at the Council's governance arrangements as a whole and Member Development. Members of the Strategic Monitoring Committee have met informally to discuss the findings, some of which relate to the content of annual Work Programmes. Further work is being programmed. Work Programmes of all the Scrutiny Committees will need to be reconsidered in the light of these discussions. The Committee should have the opportunity to consider a revised work programme at its next meeting.
2. Pending the outcome of the above work, a report on the Committee's current work programme will be made to each scheduled meeting of this Scrutiny Committee. A copy of the work programme is attached as an appendix.
3. The programme may be modified by the Chairman following consultation with the Vice-Chairman and the Directors in response to changing circumstances.
4. Should any urgent, prominent or high profile issue arise, the Chairman may consider calling an additional meeting to consider that issue.
5. A number of other possible issues for consideration have been logged and depending on the Committee's further instructions may be added to the programme as it is further developed. The issues are listed at the foot of the programme.

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Further information on the subject of this report is available from  
Paul James, Democratic Services Officer on (01432) 260460

6. Should Members become aware of any issues they consider may be added to the scrutiny programme they should contact the Democratic Services Officer to log the issue so that it may be taken into consideration when planning future agendas or when revising the work programme.

## **Background Papers**

- None identified.

**ENVIRONMENT SCRUTINY COMMITTEE WORK PROGRAMME**

<b>Monday 23 November 2009 at 9.30am</b>	
Agenda items	<ul style="list-style-type: none"> <li>• Invitation to the Safer Roads Partnership to update on progress made against action plan (arising from the Council's Annual Audit Inspection letter para 79. – June 09)</li> <li>• Setting Local Speed Limits – (in relation to Circ 1/2006, delivering road safety and education, whole estate urban speed limit, financial and resource implications.)</li> <li>• Progress in meeting NI186 target (per capita reduction in CO2 emissions in the Local Authority area)</li> <li>• Highway Maintenance Standards.</li> <li>• Executive response, and action plan, to the Scrutiny Review of On-Street Parking.</li> <li>• Progress Report on actions following the Scrutiny Review of the Travellers' Policy (6 months from June))</li> <li>• Capital Budget Monitoring</li> <li>• Revenue Budget Monitoring.</li> <li>• Report on Performance Indicators.</li> <li>• Committee Work Programme.</li> </ul>
Reviews underway	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Monday 22nd March 2010 at 9.30am</b>	
	<ul style="list-style-type: none"> <li>• Progress report on actions following the Scrutiny Review of the Planning Service (6 months from Sept)</li> <li>• Progress report on actions following the Scrutiny Review of On-Street Parking.(6 months from Nov)</li> <li>• Reducing Energy Consumption – Street Lighting – Update. (see June 09)</li> <li>• Capital Budget Monitoring</li> <li>• Revenue Budget Monitoring.</li> <li>• Report on Performance Indicators.</li> <li>• Committee Work Programme</li> </ul>
Reviews underway	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>June/July 2010</b>	
	<ul style="list-style-type: none"> <li>• Annual Presentation by Cabinet Member (Environment &amp; Strategic Housing).</li> <li>• Annual Presentation by Cabinet Member (Highways and Transportation).</li> <li>• Progress report on actions following the Scrutiny Review of On-Street Parking.(6 months from Nov)</li> <li>• Public Rights of Way and the Highways Definitive Map - to assess overall performance and consider progress in addressing various issues.</li> <li>• Capital Budget Monitoring</li> <li>• Revenue Budget Monitoring.</li> </ul>

	<ul style="list-style-type: none"> <li>• Report on Performance Indicators.</li> <li>• Committee Work Programme</li> </ul>
<b>September 2010</b>	
	<ul style="list-style-type: none"> <li>• Capital Budget Monitoring</li> <li>• Revenue Budget Monitoring.</li> <li>• Report on Performance Indicators.</li> <li>• Committee Work Programme</li> </ul>

Items for consideration as the programme is further developed:

- The effect on Herefordshire of changes to the Single Farm Payments system (e.g. hedge cutting, drainage ditch clearance)
- Any specific issues arising from Council Strategies or Plans.
- Contribute to policy development of LTP3.
- Consideration of revised/reviewed Flood Defence Policy.
- Consider inviting the Environment Agency to discuss the environmental impact, of the Open Windrow Greenwaste composting facility at Morton-on-Lugg. (Minute 60 – Committee work programme and Minute 64)
- Colwall Railway Bridge – review any traffic/pedestrian safety issues arising (see Minute 65 of 20.4.09)
- Street Cleaning – performance monitoring update report following the change to the Services Delivery Partnership with Amey. (see 20.4.09)